

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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MARINE PROTECTED AREAS FEDERAL ADVISORY COMMITTEE

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MEETING

WEDNESDAY, APRIL 25, 2007

The Advisory Committee met in Conference Room 555, Stafford Place II, National Science Foundation, 4121 Wilson Boulevard, Arlington, Virginia, at 8:05 a.m., Mark Hixon, presiding.

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PRESENT:

MARK HIXON	Chair
BOB ZALES, II	Vice Chair
TUNDI AGARDY	Member
CHARLES BEEKER	Member
BOB BENDICK	Member
DAVE BENTON	Member
DAN BROMLEY	Member
ANTHONY CHATWIN	Member
MICHAEL CRUICKSHANK	Member
ELLEN GOETHEL	Member
JOHN HALSEY	Member
STEVE MURRAY	Member
TERRY O'HALLORAN	Member
R. MAX PETERSON	Member
WALTER PEREYA	Member
GIL RADONSKI	Member
JIM RAY	Member
DANIEL SUMAN	Member

ALSO PRESENT:

RANDAL BOWMAN	Department of the Interior
ROBIN BRAKE	Department of the Navy
RIKKI GROBER-DUNSMORE	NOAA
MAGGIE HAYES	Department of State
JONATHAN KELSEY	NOAA
BOB MELZIAN	EPA
JEFF PEARSON	U.S. Coast Guard
JOSEPH URAVITCH	NOAA
LAUREN WENZEL	Designated Federal Official
CHARLES WAHLE	NOAA
DONNA WIETING	NOAA
LISA WOONINCK	NOAA

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P-R-O-C-E-E-D-I-N-G-S

10:39 a.m.

CHAIRMAN HIXON: Lauren's not here. I get to play with the hammer. The most I've ever heard that. Okay. Let's get, let's get started. Everyone could take a seat please. Okay.

We have just over an hour for plenary discussion of our results so far. Then at 11:45 we're having a working lunch, a presentation by Donna Whiting. I hope I pronounced that right. Did I? Sorry.

MS. WIETING: Wieting.

CHAIRMAN HIXON: Wieting. I'm sorry, Donna.

PARTICIPANT: She's not a fish.

(Laughter.)

CHAIRMAN HIXON: I'm an ichthyologist. Sorry. And I'll talk more about that when I introduce Donna and pronounce her name properly.

So for this hour, what I'd like to do is, go over what each subcommittee has to say. There's three subcommittees. So we have about 20 minutes each of presentation and discussion. What I'd like is each, the chair of each subcommittee, to very briefly present, you know, where they are and the justification for where they are. So the committee knows, full committee knows

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1 where each is coming from. Okay.

2 So we'll start with Ad Hoc Subcommittee A,
3 National System Categories. Steve Murray.

4 DR. MURRAY: So we're passing around our
5 latest revision on this categorization scheme. I think
6 it's also up on the board.

7 So we took the various comments and
8 suggestions that were made yesterday. Picked up a few
9 additional items from folks who passed them on to me.
10 And we made some revisions in our, in our scheme.

11 But first let me say that we have retained
12 the six basic categories that you saw yesterday. That
13 we have two types of categories for Marine Natural Heritage
14 Areas, for Marine Sustainable Production Areas, and for
15 Marine Culture Heritage Areas. Those two category types
16 are called Conservation Areas and Reserve Areas. And
17 those have been retained for each of the three major
18 types to give us six.

19 The primary management goals have been
20 retained from yesterday's version. We really actually
21 had no comments on the primary management goals. We made
22 some very minor wording changes to be, to achieve
23 consistency. The far right column which yesterday was
24 labeled "Use Categories and Level of Protection," is
25 now labeled "Use and Protection." And for Conservation

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1 Areas, we have retained the description that these are
2 areas where multiple uses are allowed. Uses and
3 activities may be restricted or zoned. And access may
4 be limited, as necessary, to meet site management goals.

5 That verbiage is consistent with the Conservation Areas.
6

7 With the Reserve Areas, we discussed this
8 a good bit. We have described these as areas where no
9 extractive uses are allowed, except for permitted
10 scientific uses. And that other uses and activities may
11 be restricted and access limited, as necessary, to meet
12 site management goals.

13 Now, this is a case yesterday where we had
14 some suggestions at other kinds of activities, such as
15 disruptive or destructive activities that may impinge
16 or impact the site, might be included in the language.

17 And we talked about this for a good bit, but felt that
18 for the purposes of this particular exercise, for this
19 particular purpose, that we would see those as being
20 included under, "Other uses and activities may be
21 restricted."

22 And the reason for this is that, it's a very
23 difficult area to get in to, where you start and where
24 you end, how you make a value judgement about what is
25 impactful, what is not. And, you know, our collective

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1 opinion which I believe was unanimous, was that, well
2 this going to be something that's going to have to be
3 decided on a place by place basis.

4 So you'll note that the Marine Natural
5 Heritage Areas, the Sustainable Production Areas, and
6 the Marine Cultural Heritage Areas there's an asterisk
7 by those. These are going to be either defined either
8 in text or glossary, to indicate their primary conservation
9 purposes. So that column has been removed. The primary
10 conservation focus column you saw before.

11 And so we think we've come up with something
12 that is, is consistent and achieves the objectives that
13 we were asked to set out to achieve. But we'll see what
14 the rest of you think about that. Hey, one quick
15 point on -- if you go to Marine Sustainable Production
16 Areas. And you go to the top category in that, that should
17 read Sustainable Production Conservation Areas.

18 So we think we've, we've completed this task
19 and this is to say, we'll see what the rest of you think.
20

21 CHAIRMAN HIXON: Thank you, Steve.
22 Questions, comment? I have Dan Suman, Joe, Tony, and
23 Max.

24 DR. SUMAN: So an area like the, the ecologic,
25 of the Sanctuary Ecological Reserve, would the subsumed

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1 in a sanctuary. Right? Because --

2 DR. MURRAY: You're going to have to -- I
3 don't, I'm not familiar with the place you're referring
4 to.

5 DR. SUMAN: Well, just the category. If
6 there is a reserve inside a sanctuary site, then we wouldn't
7 be concerned about the ecological reserve, the reserve
8 site. It would be --

9 DR. MURRAY: This point was discussed fairly
10 well, I think. So what Dan is referring to is essentially
11 a place that is embedded in another place. And so you
12 might have a location that is relatively large. And inside
13 that location and that large location has a, allows a
14 various set of uses including some extractive uses. But
15 somewhere inside that, there's a place that is delineated,
16 that falls under our definition of a reserve.

17 So how does that treat it? Okay. The first
18 thing I think you have to address is, how big does that
19 place need to be? For example, Dave over here pointed
20 out that there's a large area in Alaska within which
21 multiple uses are allowed. Inside that area there are
22 several pinnacles or locations where, for example, there
23 are corals where there's no activity allowed. So this
24 could be anything from a single point very small location
25 inside a large area, to a much larger place. For example,

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1 you could have side-by-side areas, one of which would
2 be fairly extensive in size and would be a reserve in
3 this description. And one which would be, allow multiple
4 uses. A conservation area in this description.

5 Now, you can treat those as two places, two
6 different, two different sites. Or you could treat them
7 as one, depending on the size, I think of that area,
8 that Reserve Area. And I think that's going to have to
9 be something that the folks who do the categorization
10 are going to have to deal with. Bob is on the
11 group and he wants to make a comment here.

12 MR. BENDICK: The second footnote was that,
13 in terms of, I'm sorry, the second footnote, in terms
14 of putting things in categories, there's going to be,
15 there's got to be, -- the staff needs to figure out some
16 way to flag, flag things that are embedded in other larger
17 reserves. Many of which are small and larger free standing
18 reserves. And so that's what -- it's a good question,
19 and that's what this is about.

20 DR. MURRAY: Yes. Second footnote at the
21 bottom of the table. Thanks, Bob.

22 CHAIRMAN HIXON: Thank you. Joe.

23 MR. URAVITCH: Yes, two things. One just, a point
24 of information that we can cover zoning in the inventory.
25 So we can pick that up. I guess the question I have

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1 is, was there a reason why the concept of zoning was
2 left out of the Reserve Areas? Because it's theoretically
3 possible you could have an area that's a reserve, but
4 within it, where there's say, access allowed but no
5 extraction. But further within that, there may be no
6 go scientific areas. So, there's zoning that could be
7 possible within those Reserve Areas as well.

8 DR. MURRAY: I, I think the language that's
9 listed here accounts for that, without using the term
10 "zoning." Because what's listed here is that, "Scientific
11 uses are permitted, and other uses and activities may
12 be restricted. Access may be limited as necessary to
13 meet site management goals." So, you know, how you want
14 to refer to those as zone or non-zone sense is another
15 issue, I guess.

16 MR. URAVITCH: I guess, we just need to be
17 consistent with our terminology because you either zone
18 or you don't zone. If you're going to break an area down
19 in to a subset within it, that does, in effect, define,
20 do a bit more, be more restrictive, that's a zone.

21 DR. MURRAY: So you would argue for adding,
22 other uses and activities may be restricted or zoned
23 to be parallel with --

24 MR. URAVITCH: Through zoning, but you have
25 -- somehow you have to get the zoning concept in. Otherwise

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1 you're essentially saying, Reserve Areas are not zoned.

2 Or that when you break up Reserve Areas, that's different
3 from what you do in Multiple Use Areas. I'm just looking
4 for some consistency.

5 DR. MURRAY: I think our, I think our group
6 would be happy if we just added, "Or restricted or zoned,"
7 to be consistent with the additional, with the language
8 under conservation. Are you guys all happy with that?

9 I think --

10 CHAIRMAN HIXON: So that would be --

11 DR. MURRAY: So be it.

12 CHAIRMAN HIXON: -- under every Conservation
13 Area?

14 DR. MURRAY: Under every reserve, it would
15 now read, "Other uses and activities may be restricted
16 or zoned." Which is the same language we've used for
17 the Conservation Areas.

18 CHAIRMAN HIXON: Okay. Thank you. Tony.

19

20 DR. CHATWIN: Does this work?

21 PARTICIPANT: On the microphone near you.

22 So, just project.

23 CHAIRMAN HIXON: It's not for Tony to do.

24 DR. CHATWIN: I -- because we've been
25 discussing the Natural Heritage and Sustainable

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1 Production Objectives and the definition here is going
2 to be adapted based on some of the primary objectives,
3 I see a potential area of confusion that will have to
4 be clarified.

5 The natural -- both --one objective that
6 fits both Natural Heritage and Sustainable Production,
7 as you'll see in our report back, is spawning grounds.

8 So if you have a protected area that, whose primary
9 objective is to protect spawning grounds, how you, how
10 would you decide what category it's going to go in, as
11 a Natural Heritage or a Sustainable Production Area?
12 And what consequences would that have? I know this is
13 a specific example, but I'm just trying to think of how
14 this is going to be applied.

15 DR. MURRAY: I think that, first, the comment
16 that came up in our group was that, there's no way we're
17 going to make these categories or this text here absolutely
18 prescriptive. There's going to have to be some
19 interpretation and therefore these are descriptive.

20 But secondly, you could well have spawning
21 that, there's a desire to protect them for marine natural
22 heritage purposes. And the species that you're attempting
23 to protect, are not species that are harvested or sought
24 after or targeted for sustainable production purposes.

25 So some of those could well fall in to those categories.

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1
2 But I think this is going to fall back to
3 the initiating purpose of the MPA, whether it's for Natural
4 Heritage or for Sustainable Production purposes. But
5 there will be overlap.

6 And I think that, that also came out in some
7 of the language that we have here as it relates to cultural
8 resources. Think, commonly, we would have situations
9 where maybe there is an area that's been set aside and
10 designated for it's natural resources. But within which
11 there may well be cultural resources. And you'll see,
12 that in the management goals, we have in parenthesis,
13 for our natural resource goals, we have and where
14 appropriate, cultural resources. And we would see the
15 same in the Cultural Resource Areas. In fact, the point
16 was made that you may well have a cultural resources
17 that have a large amount of biological structure now
18 associated with them which, you know, you may well want
19 to have under the regulations for that area also being
20 included as being protected. So I don't think we
21 can be absolute, but somebody's going to have to go out
22 and put the different MPAs in bins. And use this
23 descriptive language that we see here and one way or
24 another, to do that.

25 CHAIRMAN HIXON: Again, our charge here for

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1 this particular issue is, general categories that are
2 used to educate policy makers, to educate the general
3 public. Not the nitty gritty.

4 Max, you're next.

5 MR. PETERSON: In looking at, at all of the
6 areas under this say, no extractive uses, it seems to
7 me like, as we discussed yesterday, it would be better
8 to say, "limited uses" instead of -- there are uses that
9 could be quite detrimental to an area that might not
10 be considered extractive. For example, the anchorage
11 of boats in coral areas. Certain kinds of other activities.

12 So I think it would communicate better if you said,
13 "limited uses" rather than, "no extractive uses."

14 Because what you're trying to do is, is to
15 protect the area from detrimental impacts that Dan
16 indicated. And there could be detrimental impacts that
17 are not extractive uses. So I would recommend you change
18 in each case, say "no extractions," you say, "limited
19 uses."

20 And then under scientific, I would at least
21 add, I'd add, "such as" instead of, "except permitted
22 scientific uses." I'd say, "Such as, permitted scientific
23 or educational uses." You might have those two kinds
24 of uses in a limited area that would be highly important.
25 You don't want a reserve to be necessarily off limits.

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1 So anyway those are two thoughts Steve, that would apply
2 to all three of the areas for your consideration.

3 DR. MURRAY: Well I'll respond to the second
4 point first. And maybe this is a language problem here,
5 but I think our intent was is that, the scientific, this
6 could be scientific in the educational uses, if you will.
7 But it would be by permit.

8 MR. PETERSON: That's okay. That's okay.

9 DR. MURRAY: So it would be by permit. Not
10 just anybody can go in and --

11 MR. PETERSON: It says permitted. Not for
12 permitted scientific or educational.

13 DR. MURRAY: Okay. Now with regard to the
14 "no extractive" uses versus "limited extractive uses."
15 I think that we're on a slippery slope.

16 MR. PETERSON: Okay.

17 DR. MURRAY: Because --

18 PARTICIPANT: When you say limited uses --

19 DR. MURRAY: -- yes. And that gets us in
20 to what we have as the other language in here that comes
21 back to what we offered up originally which is, these
22 other kinds of disruptive or destructive activities.
23 Where do we go and how do we where do we stop? And also
24 where's the burden of proof with regard to whether they're
25 destructive or disruptive? For example, if you had an

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1 area within which there was some kind of dumping, if
2 it's a little bit of dumping versus a lot of dumping
3 versus a large area. Where is it that one makes the call?

4 That's why our group chose to cover that with the text
5 that indicates other uses and activities may be restricted
6 and access limited. You can have, for example, you can
7 have the place where there are no extractive activities,
8 but this place is literally a dumping ground for I don't
9 know what all. And now the question becomes, where do
10 you categorize that?

11 CHAIRMAN HIXON: Okay. I have Bob Zales,
12 Dan Bromley, Tony, and Dave Benton. Bob.

13 MR. ZALES: Yesterday there was a discussion
14 and you may have covered this already, but where you
15 got no extractive uses, there was concern about the dumping
16 part of this.

17 DR. MURRAY: Right.

18 MR. ZALES: And, and, you know, what happened
19 then. And the other thing I got is, probably a minor
20 concern, but whenever this is finally written up and
21 put in to some kind of a regulatory requirement, when
22 you have areas and I'm sure there's going to be some
23 because there's some now that you're not allowed to anchor,
24 as to what happens in an emergency situation. Because
25 in some areas, if you got some areas that are going to

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1 be several hundred square miles, and you've got vessels
2 going through these areas, in a situation, an immediate
3 situation I can think of, if there was adverse weather
4 and a vessel lost power and was out there floundering
5 around. In my mind, it would be an extreme safety issue
6 for them to throw an anchor out regardless of where they
7 are to save life on a vessel. So, you know, what would
8 happen in that situation? And I'm sure that's probably
9 going to be left up to the attorneys who are going to
10 play with it.

11 CHAIRMAN HIXON: So I'm trying to, to try
12 to clarify some of the comments I've been hearing --

13 DR. BROMLEY: Do I get my speech?

14 CHAIRMAN HIXON: You do. But I just wanted,
15 this is just a point of clarification.

16 It sounds to me like, other uses and activities
17 may be restricted, includes things like dumping and what
18 not. Isn't that correct? Isn't that your intention?

19 DR. MURRAY: That's the intent.

20 CHAIRMAN HIXON: Okay. Dan, you're next.

21 DR. BROMLEY: Well, yes, Steve. Some of us
22 don't want to give up. You are, you're invoking vagueness
23 to discredit harm. But you -- vagueness still is parasitic
24 on clarity about extraction. I mean a little bit of
25 extraction doesn't do much harm either. And so I don't

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1 find that your appeal to vagueness about dumping gets
2 you out of the box about vagueness about extraction.
3 And so, I don't know, at what point you want to give
4 up. I mean, let's face it. The issue we are concerned
5 about is harm. Is it not?

6 DR. MURRAY: Yes.

7 DR. BROMLEY: And harm can happen two ways.
8 You can put something in it, an anchor or garbage. Or
9 you can take something out of it. A lot of fish or not
10 much fish. And so, I -- you guys, I think are finding,
11 to me, flawed reasons to stick with extraction when,
12 in fact, the fundamental point we want to communicate
13 to politicians and to users is, "you may not harm this
14 area." Okay. You may not harm it for either -- you know.
15 Don't tell me that harm is vague because it's all vague.
16 Then we have to figure out, okay exactly what do you
17 mean by harm? So sorry, I just keep coming back to the
18 same thing.

19 DR. MURRAY: Do you have some alternative
20 words you'd like to throw out here?

21 DR. BROMLEY: Harm.

22 DR. MURRAY: Harm.

23 DR. BROMLEY: Something. Don't tell me harm
24 is vague. Of course it's vague. But all this is vague.
25 And then the Management Plan says, "These are the harms

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1 that are not allowed." And these things are allowed or
2 something. I mean -- what I think what we're trying to
3 get out is, what is it that we don't want people to do
4 in certain areas of the ocean.

5 DR. MURRAY: We -- very quickly, we had a
6 suggestion that was submitted, that we talked around
7 which would change this wordage from, "no extractive
8 uses" to "no extractive destructive or disruptive
9 activities." So mull that over for a bit.

10 DR. BROMLEY: Yes, just take out the word
11 extractive and you've got what we're talking about. Why
12 -- I mean, what's this thing about extraction? You --
13 what were other two words in your string there?

14 DR. MURRAY: Destructive or disruptive.

15 DR. BROMLEY: Destructive or disruptive or
16 degrading or something else. So you don't need extraction
17 in that string of descriptors. Whatever. You know.

18 MR. ZALES: Non-degradation is another word.

19 DR. BROMLEY: I don't much care what you put
20 in it's place, but I don't understand the persistence
21 about extraction. Because it is not the act of extracting
22 that is harmful. It is the implications of extraction
23 that is harmful. You've taken the last few breeding
24 critters or, you know, so in a sense it is the implication
25 of extraction that matters. Not the act of extraction.

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1 Just like it is the implication of putting something
2 in that matters. Not putting it in. It's, it's how big
3 is it. Is it --

4 CHAIRMAN HIXON: Okay. Clarification from
5 Joe.

6 MR. URAVITCH: Yes. Just a little history
7 on the word extraction. It's been used consistently in
8 the marine environment. And if you go back to the
9 underlying consistent regulations across the Marine
10 Sanctuary Program, for example, it's prohibited in all
11 sanctuaries bottom disturbance and extraction. Not
12 related to oil and gas. And then in other places it's
13 also related to extraction of living marine resources
14 as well. So it's a term of art that's been used on the
15 legal side within the marine environment that probably
16 doesn't work necessarily, terrestrially. But that's
17 where it came from.

18 DR. MURRAY: It -- by the way it also, it
19 also applies to the cultural resources that we talked
20 about with regard to extraction. CHAIRMAN
21 HIXON: Thank you. Tony.

22 DR. CHATWIN: Thank you, Mark. I am fine
23 with the language of extraction. And I think that, it's
24 a personal opinion, if we allow dumping sites in to the
25 National Marine Protected Areas, in National Marine System

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1 Protected Area we haven't done our job. We can not have
2 dumping sites as part of our Marine Protected Area National
3 System. And I think I'll go as far as propose a motion,
4 if necessary, to have it as an entry criteria. Dumping
5 sites are out. And then we don't have the issue about
6 the extraction terminology. I think if we want to be
7 clear and precise we should say, "No dumping allowed
8 in national, in Marine Protected Areas that are part
9 of the national system." Dumping is very, it's -- no
10 way is dumping done to restore areas. I mean, you know,
11 dumping is dumping, you know. So.

12 MR. PEREYA: We dump ships to make reefs.
13 Drilling Rigs.

14 CHAIRMAN HIXON: There's dumping and there's
15 dumping. Okay. Dave Benton. You can have the mic now.

16 MR. BENTON: Keep the mic away from me or
17 him, or both? Thank you, Mark.

18 I think there's something that's very
19 important to this discussion that should not get lost.
20 And that is, we are trying to draw a very bright line
21 between a reserve and an MPA that has multiple uses.
22 And that was the driving wording or driving principle
23 behind the wording. And the extractive, the use of the
24 term extractive, was because of the term of art and some
25 history. Now if you -- and I think I'm correct, Steve

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1 said it. And it is certainly my view and I think most
2 people's view that were on our group, is the other
3 activities including anything that was disruptive. If
4 it makes people feel more comfortable to put in, no
5 extractive or disruptive uses, I don't know if anybody
6 has a problem with that. But that -- the important thing
7 is to keep that bright line because otherwise you really
8 fuzzed it. And then everything becomes a Multiple Use
9 Area. It's just a matter of gradation.

10 CHAIRMAN HIXON: Thank you, Dave. Bob
11 Zales.

12 MR. ZALES: Yes. I'd like to add to the
13 disruptive part too. But also too, what we get in this
14 dumping thing and dumping because I heard somebody else
15 say this, and this is a big thing for me. Artificial
16 reefs. And not necessarily ships. But there's other
17 materials out there that are approved materials for reefs.

18 And depending on the on, the contour of the bottom and
19 the type of bottom it is, in almost all cases that I
20 would, I would say, every case where artificial reef
21 is placed, is done to enhance the resources. It's not
22 done to harm it. So, so the dumping part, I mean, pollutants
23 and stuff like that I agree with. I mean, there are things
24 that you don't need to put in the water or on the bottom.

25 But in some cases there are things that I think that

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1 enhance that resource and do a great job in doing what
2 you want to do with an MPA.

3 CHAIRMAN HIXON: Mike.

4 DR. CRUICKSHANK: It's a matter of semantics.
5 Dumping, applying waste. There is a place for the
6 materials is something different. Yes.

7 CHAIRMAN HIXON: Steve.

8 DR. MURRAY: So if we, if we make this verbiage,
9 "no extractive or disruptive uses allowed," are we okay?

10 CHAIRMAN HIXON: I'm not sure if that was
11 Morse Code or not. I didn't hear anybody screaming in
12 response to what you said. Okay.

13 Do you want to -- Gil's next. Does anyone
14 else want to speak? And then we have to wrap this up
15 and go on, move on. Gil.

16 MR. RADONSKI: Ocean dumping is covered under
17 Section 404 of the Clean Water Act. And the permits are
18 given by the Corps of Engineers. They're given as Specific
19 Site Permits or Blanket Permit. So I -- this is not a
20 random thing. People do dump. They create their own
21 artificial reefs. We know that. That's illegal. So ocean
22 dumping is really covered. And I agree with what, much
23 of what Tony says. You know, I think we ought to be
24 concerned about it. But I think if -- I don't think the
25 Corps of Engineers is going to grant the permit in an

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1 MPA.

2 CHAIRMAN HIXON: Okay. Thanks. Ellen, did
3 you want to speak?

4 MS. GOETHEL: I have a problem with the use
5 of the word "disruptive" because it's very objective
6 -- subjective. Sorry. Anyone can, can look at it in
7 their own way. And I just, I really like it the way it
8 is. It's very specific. And I think the public can deal
9 with it. But the more verbiage we put in it, the less
10 clear it is. And I really -- that's how I feel. Thank
11 you.

12 CHAIRMAN HIXON: Okay. Thank you. All
13 right. I think we've got the issues on the table that
14 are still remaining.

15 And we need to move on to Subcommittee B.
16 So, Bob Zales. Speaking on the criteria, whatever kind
17 of criteria we want to call it.

18 MR. ZALES: Yes but I don't know what we're
19 going to call it, something. Lauren's going to put this
20 up on the screen. We took all of you all's concerns
21 yesterday and put them together and came up with something
22 now that we think is possibly doable anyway. What we
23 did and whatever criteria that comes from this, would
24 break this down. Currently there's 1600 sites. Come
25 to find out some of these are duplicated, it looks like.

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1 So 1600 may not be a real number. In other words, you
2 may have, like far as I understand, water quality things
3 with other issues over there. So those are counted as
4 two sites when in reality they're only one place. So
5 you can see what we did. To enter the system, it would
6 have to have a Site Specific Management Plan. And in
7 the process be able to address one of the three deals
8 that are in the previous report.

9 What this would do, this breaks this down
10 in to about 475 sites that are out of the 1600 that would
11 qualify. We also suspect that out of that 1600, some
12 are going to opt out just because they don't want to
13 be part of this national system to begin with. So the
14 475 breaks this down to somewhere between 25 to 30 percent
15 of the field which would be a minimal number. So as the
16 sites that opt out, fall down, that percentage increases.

17 And this includes, these numbers include, Marine Areas
18 with regulatory requirements, Site Specific Management
19 Plans, Partnerships, States, and also include the Cultural
20 and Territorial Fields.

21 There's, there's 186 Permitting Sites, I
22 believe, in this thing. 200 or so, Water Quality Sites
23 that are in here. And 62 game, Game Management Sites
24 in various states and territories. So that's kind of
25 where we are with this whole thing now.

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1 Also too, the additional requirements would
2 be, in some point, that was on the previous handout,
3 where the desired criteria, those would be goals to achieve
4 in the process. So we got away from the pyramid. We
5 just kind of went straight in to a box. So.

6 MS. WENZEL: I just want to clarify something
7 I left off, with my haste in typing this. That the Site
8 Specific Management Plan we had also put "and/or community
9 based -- MR. ZALES: Community based and
10 cultural --

11 MS. WENZEL: Right.

12 MR. ZALES: -- tribal.

13 MS. WENZEL: I will add that in.

14 MR. ZALES: Because you may have some kind
15 of tribal thing that's not necessarily a white man's
16 law, but it is a law to that tribe. So that would cover
17 all of that. So hopefully that's going to cover Lelei's
18 concerns and other things in there too.

19 Does anybody else on the panel have anything
20 they want to add on this? No. Any questions?

21 (No response.)

22 The 1 -- the 142 number is the Marine Regulatory,
23 the Site Management Plans, the Partnerships, and the
24 States. So that would be your extreme low numbers. The
25 rest of it, the difference between 142 and the 475 is

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1 including the Permitting Sites, the Regulatory Water
2 Quality, and the Game Management Areas. You got -- and
3 there's some overlap. Terry.

4 MR. O'HALLORAN: Yesterday, we had one of
5 the criterias being goals and objectives and another
6 one being management plan. And I guess one of the --
7 and I'm hearing your numbers. And I'm thinking about
8 where I come from, in Hawaii. And we've got, in terms
9 of, what, what's considered a management plan. Exactly
10 what is a management plan. Because I think that several
11 of the sites that we have in Hawaii, they've got some
12 goals and objectives and some of those kinds of things.

13 But in terms of Site Specific Management Plans there's
14 several that really don't have that. And I think that
15 that doesn't mean that I don't think that they should
16 be part of the National System. I think it would be good
17 to get them included in to the National System. And then,
18 and then bring up their criteria to that desired level.

19 So I guess what I'm saying is, that I would prefer to
20 see either the management plan some way that we quantify
21 or qualify what that means. Or that we say that these
22 sites should either have goals and objectives that are
23 clearly stated. And then put a Specific Management Plan
24 more in to the desired criteria.

25 MR. ZALES: Well your concern is covered in

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1 here. Where you have a goal and objective, we consider
2 that to be a Basic Management Plan. It's not a specific
3 type management plan in there. But clearly if you have
4 a goal and objective, that's got to be considered some
5 type of management.

6 MR. O'HALLORAN: Well if that's what, if
7 that's what the intent is, why don't we just say, goals
8 and objectives. Because that's pretty clear. But a
9 management plan, there's all different kinds of management
10 plans and definitions of management plans.

11 MR. ZALES: Right. We can, we can take that
12 in to account.

13 CHAIRMAN HIXON: Dave Benton.

14 MR. BENTON: Thanks, Mark. I think that
15 starts to get in to the question that I have. Because
16 when -- I'm sort of wondering how they -- something,
17 an area that's designated under a Fishery Management
18 Plan by a Fishery Management Counsel, okay, and it's
19 an area that is closed. It meets the, you know, the National
20 Heritage criteria kind of purpose, and all those things.

21 Does that qualify under those entry criteria? Is that
22 what it, is that what we're talking about?

23 MR. ZALES: I would argue that it does.
24 Because clearly in that FMP, there's portion of that
25 that's specific to that closed area whatever they're

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1 doing --

2 MR. BENTON: Right.

3 MR. ZALES: -- to protect. So I would say
4 that that would qualify as a management plan.

5 MR. BENTON: Does the center see it that way?

6 MR. ZALES: Yes. Well according to Joe we
7 do.

8 MS. WOONINCK: Well the Fishery Management
9 Plans some of them do have site specific management plans
10 for a particular closure. But some of them don't.

11 MR. ZALES: Well part of the deal then here
12 was not necessarily to be site specific. When we site
13 specific as an example, I'll use the example that we
14 talked about there. In Florida, you have a Manatee Plan.
15 Well the Manatee Plan in Florida is not site specific
16 other than basically the entire state. And it would have
17 goals and objectives because the goal obviously is to
18 protect manatees. The objectives is to increase the
19 number of manatees. So in, site would be a relative term
20 here. I guess a legal thing. And this is, I mean, by
21 the time we get through with this, I'm certain there's
22 going to be a bunch of lawyers play with this whole thing
23 to figure out what it's going to say to begin with. But
24 that's kind of a, it's a broad picture. It's not, it's
25 not like, well then that Manatee plan down in Tampa,

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1 that's a site specific place because it's not for that.
2 It is a protective plan that's there. So.

3 CHAIRMAN HIXON: Tony.

4 DR. CHATWIN: Thank you. I think this is
5 a great improvement over what was there yesterday. And
6 commend the Subcommittee for doing this.

7 Yesterday, our subcommittee proposed an entry
8 criteria of geographic representation which is not
9 necessarily management. But I just get a little nervous
10 when I see entry criteria and a list. And it doesn't
11 include the one that we -- I know that falls under the
12 management criteria umbrella, but I don't see any other
13 list that says, "entry criteria." So I just want to
14 reinforce the fact that, geographic representation is
15 key.

16 MR. ZALES: Well, yes, and the work that Rikki
17 worked up for us. Clearly, it's -- the facts are in there.

18 All the numbers that we talked about, they are, they
19 represent geographic areas. So even though it's not
20 specified, it is included in it.

21 DR. CHATWIN: And if I, if I may just, I think
22 it's important that we, explicit about it because there
23 are examples like in the National Estuarine Research
24 Preserve System where geographic presentation plays a
25 key role in creating incentives and for additional entrance.

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1 Thank you.

2 CHAIRMAN HIXON: Thank you, Tony. Randy.
3 You need a mic.

4 MR. BOWMAN: Just to clarify the debate, I
5 wonder if we could have -- and set out the criteria that
6 she explained them to us that we used to generate these
7 numbers. So we're all going from the common understanding
8 of how we got here.

9 Just for the management, what you used for
10 the management. What's your definition of the management
11 plan was in terms of -- what this came from was manipulating
12 the information in the database of the three managed
13 areas. These were not new criteria that we came up with.

14 It's just if you applied certain criteria, you achieved
15 these numbers. And that seemed to strike most of us as
16 getting us where we wanted to go. And so I just think
17 everybody should understand where we're coming from on
18 this.

19 MS. GROBER-DUNSMORE: There's 1,641 sites.
20 We started with 1,641. And if the site had a Site Specific
21 Management Plan. There's 462 sites that have a Site
22 Specific Management Plan. So the manatee zones will not
23 make that cut.

24 From that then, there was a classification
25 that Lisa and I developed that had sites that were primarily

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1 required, a level of permitting within an area. So there
2 wasn't a specific regulation that applied, but there
3 was some permitting requirement. So that was one group
4 of sites.

5 Then there was another group of sites that
6 were primarily Water Quality Management Sites. 186 of
7 those are outstanding waters in the state of Florida.

8 And approximately 40 sites are ASBS sites in the state
9 of California. So we put all of the sites that were
10 primarily duplicates and primarily for water quality
11 in a separate category that we called Water Quality
12 Management Sites.

13 Then we came up with a third class of sites
14 that were, we put in to a Game and Wildlife Category
15 which was sites that were primarily for the management
16 of terrestrial. And I checked with Lisa, and it was
17 terrestrial organisms were the primary management
18 objective. So it was deer, not -- we'll check on the
19 ducks. But I think we took the ducks out. And there
20 was approximately 50 sites that were primarily what we
21 called Wildlife and Game Sites. Those were in the State
22 of Pennsylvania, Indiana, and Connecticut.

23 So if you removed those sites, you end up
24 with 147 sites out of the 1,641 that are marine or estuarine
25 and that are not one of those categories.

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1 CHAIRMAN HIXON: Thank you, Rikki. So just
2 to clarify if I understood you properly. The difference
3 between the 142 and the 475 are those three categories?
4 The sites. The Water Quality Sites, the Permitting Sites,
5 and the Deer Sites.

6 MS. GROBER-DUNSMORE: Correct.

7 CHAIRMAN HIXON: Okay. Thank you.

8 MS. GROBER-DUNSMORE: Are removed. Which
9 also effectively removes a lot of the duplicates. So
10 when you go -- if you just went from 475 and removed
11 duplicate sites and looked at areas, you're going to
12 get to approximately 200. But you will still have some
13 of those Game Sites or Water Quality Management Sites.
14 So the 475, if you remove dupes, you still have 250.

15 CHAIRMAN HIXON: Okay. Okay. Thank you.
16 Dave Benton.

17 MR. BENTON: That's what happens when you
18 get volunteered. I want to, I'm going to sort of go,
19 circle back to my question. And I think this discussion
20 here is going to be very helpful. So out of, out of the
21 sites that you, how you filtered those, and you -- and
22 the biggest filter is sites, a Site Specific Management
23 Plan.

24 What constitutes a Site Specification
25 Management Plan? And I'm using a specific example. In

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1 a Fishery Management Plan an area that's closed to protect
2 bottom habitat. That's -- and it's closed. It's got
3 regulations. It meets all the criteria that are in the
4 Presidential Executive Order. You know, it's got a
5 demarcation, all that. Is that part of a site, is that
6 a management plan in your filter or not?

7 MS. WOONINCK: When we look at our data it
8 says, the site specifics plan. And I was just trying
9 to figure out what for the Fishery Management Sites.
10 And I unfortunately can't find the information right
11 now. But I can give you the answer soon.

12 MR. BOWMAN: Were these self reported?

13 MS. GROBER-DUNSMORE: Lisa and I went back
14 through the data. So a lot of these that you're, some
15 of these categories are categories that Lisa and I went
16 back through. And I know what we call the Site Specific
17 Management Plan is if we can physically find a management
18 plan or reference to a document that existed for that
19 site. If we could not or it referred to a programmatic
20 like the State of Connecticut had a Wildlife Management
21 Area Plan and then a whole suite of sites were brought
22 in underneath that. But there wasn't a plan for a site,
23 it got a no.

24 MR. BENTON: Okay. Mr. Chairman, if I can
25 --

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1 CHAIRMAN HIXON: Sure.

2 MR. BENTON: -- then just following it up.

3 So if I interpret that correctly, something and I'll
4 use, I'll use an Alaska example. We have a Fishery
5 Management Plan for the Bering Sea. Under that Fishery
6 Management Plan for the Bering Sea the Fishery Management
7 Counsel closed off the Aleutian Islands, a big area of
8 the Aleutian Islands, to protect a lot of habitat. But
9 in that, there's, there are subsets of areas that are
10 closed to pretty much all fishing activity to protect
11 coral habitat. Those are embedded in the Fishery
12 Management Plan. There are specific regulations for those.

13 They are, they have specific geographic boundaries that
14 are in regulation. It's been adopted in a plan and it's
15 regulation. And there's an enforcement presence there.

16 Does that -- if I interpret what you just said, then
17 that would not qualify as an MPA or part of the system.

18 MS. GROBER-DUNSMORE: No, that would.
19 Because it has regulations associated with it. It has
20 site.

21 MR. BENTON: Okay. But there's no document
22 that says, this is an MPA with a little cover that says
23 that. It's all embedded in a Fishery Management Plan
24 which is largely embedded in regulation.

25 MS. GROBER-DUNSMORE: Right. And I can only

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1 tell you what Lisa and I did. And what Lisa and I did,
2 after these sites were already classified with a yes
3 or no, we questioned that classification. If we could
4 not, if the site had none of any of these other things,
5 and therefore we were questioning whether or not it met
6 our definition of an MMA, and then we went in and looked.

7 Was there anything on the ground that could designate
8 that site specifically? And if there was nothing, then
9 it got a, no. But it's not like -- we didn't go in and
10 question sites that, yes they have regulations, they
11 have area, they have enforcement. We didn't then pull
12 those sites out.

13 MR. BENTON: Okay. I think I understand.
14 Okay. Thanks.

15 CHAIRMAN HIXON: All right. Thank you, both.

16 The database to, would be wonderful to have in some
17 kind of user friendly form so we could filter however
18 we wanted at any given moment. But I know that's not
19 going to be easy to do. I saw the looks. I know how
20 to read faces. So thanks for doing that. I can,
21 appreciate you continuing the work with us. Bob Zales.

22 MR. ZALES: Yes. And they -- the description
23 that you've laid out, it's definitely my intent. Because
24 in the Gulf we have the same thing. We, you have Fishery
25 Management Plan, so you have some areas in there that

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1 are identified and their purpose is laid out. Their
2 objective is laid out. The enforcement. So everything
3 is laid out in there before that particular site is clearly
4 identified and notifications are issued, outreach is
5 done. The whole bit. So I, I would definitely consider
6 that site specific even though it may be a broad area,
7 the Gulf of Mexico, it's still site specific.

8 CHAIRMAN HIXON: Okay. We actually have to
9 move on now to the others. But some of the key comments
10 I heard here are; first we must be more explicit about
11 geographic representation in this scheme. And more
12 explicit about what a site specific management plan is.

13 So Subcommittee B will resume it's work in doing other
14 representation, another representation, another
15 iteration. Okay. We've got five minutes each
16 for the three sub-parts of the Subcommittee C. So
17 essentially what I want, we want to review quickly is
18 the Priority Objective List for each one of those
19 subcommittees and whatever prioritization you imposed
20 upon that list.

21 So we'll start with Subcommittee C1, Priority
22 Objectives for Natural Heritage. Tony Chatwin.

23 DR. CHATWIN: Thank you, Mark. We actually
24 have something to project.

25 PARTICIPANT: (Speaking off-mic)

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1 DR. CHATWIN: I don't know.

2 So in my last report out we had discussed
3 all the primary objectives under Natural Heritage. And
4 we had come up with examples for them. Today what we
5 did was, recognizing that they all were high priority.

6 We had to and we had to help or come up with some guidance
7 on which ones would be more high priority than others.

8 We did a ranking whereby we basically, each person ranked
9 them. And we then compiled that information and came
10 up with an overall rank. We then discussed those rank,
11 the resulting ranking as a group. And decided whether
12 or not we could live with it. So, this reflects a consensus
13 of the subcommittee, in fact the joint subcommittee.

14 CHAIRMAN HIXON: Okay.

15 DR. CHATWIN: C1 and C3.

16 CHAIRMAN HIXON: Yes. I understand that.

17 DR. CHATWIN: Okay.

18 CHAIRMAN HIXON: Okay.

19 DR. CHATWIN: So Natural Heritage Objectives.

20 Protect -- what you see there is, the first column is
21 the objective. I think in some cases, is this the whole?

22 Yes. Okay. So that's the entire description of the
23 objective. And then the rank which is the consensus rank.

24 And then what phase, if it's going to be a phased build
25 up of the national system, what phase those should be

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1 considered in.

2 And so the first one there, protected species,
3 critical habitat was ranked number 1. And should be
4 considered as an objective for Phase 1. Spawning areas
5 and nursery grounds ranked number 2. And should also
6 be considered in Phase 1. And important biogenic habitats.

7 That's included things like coral reefs, and we have
8 a list of examples, was ranked number 3. And that was
9 the, also be considered in Phase 1.

10 So the decision process of how or what phase
11 to go in was basically, we said, "Okay the first three
12 will go in to Phase 1. The next three in to Phase 2.

13 And the last two in to Phase 3." And I don't know if
14 I need to go through each one of those, but that's basically
15 what we did.

16 So we feel that if this committee is satisfied
17 with this ranking, that we have done our job. And that
18 if the committee is not satisfied with the ranking, we
19 have to have some guidance on how we would revisit it
20 because it reflects our personal views. And it's going
21 to have to --

22 CHAIRMAN HIXON: Sure. Sitting, sitting in
23 toward the end of your meeting it was, it sounded like
24 there was a lot of, quite a bit of variance in some of
25 these listings, in terms of rankings. But the most

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1 important thing I think you caught was that all of these
2 are important. And, you know, the ranking or phasing
3 is sort of secondary. Is that accurate?

4 DR. CHATWIN: That is. There was unanimous
5 in that, all of them are highly important. But we were
6 tasked with providing guidance on, if we had to chose
7 amongst the most important which would those be. And
8 that's the process that we did.

9 CHAIRMAN HIXON: Okay. Great. Thank you.
10 Okay. We have time for one or very quick question.
11 Tundi, I bypassed you last time. You can go.

12 DR. AGARDY: I wonder what species, sorry,
13 I wondered what species were you looking at the critical
14 habitat for. I mean, nematode worms or, you know, all
15 habitat is critical to some species. So are you thinking
16 about a way to flag special species or fish species or
17 endangered species? Or --

18 DR. CHATWIN: It's protected species. And
19 I think that that has a legal --

20 DR. AGARDY: Marine mammals or, you know.

21 DR. CHATWIN: Yes.

22 PARTICIPANT: It's protected species,
23 critical habitat.

24 DR. AGARDY: So --

25 DR. CHATWIN: Endangered, threatened,

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1 listed.

2 DR. HIXON: So it's the critical habitat of
3 protected species.

4 DR. CHATWIN: Yes.

5 DR. HIXON: Is that correct?

6 DR. AGARDY: Protected species by a legal
7 definition?

8 DR. CHATWIN: Yes. I think that's what
9 everybody was thinking.

10 DR. AGARDY: Wow. So marine mammals. Sea
11 lions.

12 CHAIRMAN HIXON: Yes. They are probably not

13 --

14 Randy.

15 MR. BOWMAN: One quick technical concern.

16 Critical habitat is a legal term. Do you mean areas
17 that have actually been formally designated by interior
18 and commerce as critical habitat for endangered species?

19 If not, I strongly suggest you get it to a different
20 equivalent term or you confuse people tremendously.

21 DR. CHATWIN: Well we didn't really discuss
22 what the meaning of that particular word meant, what
23 it meant to each of the person, people there. I was working
24 under the assumption that these are terms that -- why
25 we are using these. But --

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1 MR. BOWMAN: What I'm saying is already a
2 legal term that the interior and commerce used.

3 DR. CHATWIN: Yes.

4 MR. BOWMAN: And unless you leave the
5 relatively small area which would not include species
6 that aren't on the endangered species list, I would suggest,
7 get a different term that means essentially the same
8 thing but doesn't have those words.

9 DR. CHATWIN: I suggest two things. That
10 other members of the committee expressed their opinions.
11 And that we ask Charlie for guidance because a lot of
12 this was built upon a straw man developed by the center.

13 DR. HIXON: Okay. What I'll have to do though
14 is, I'm just going to have to ask you guys to reconvene
15 and address these issues. We don't have time to discuss
16 them in plenary right now.

17 Very quickly, Gil. Because we --

18 MR. RADONSKI: Just a point of clarification
19 that we did attempt to lump some of these things together.
20 We did it slightly, but I don't want people to think
21 that we didn't make an attempt to do something with those
22 eight categories. We did try to lump some of the things
23 together. There were more categories to begin with.

24 CHAIRMAN HIXON: I see what you are saying.

25 MR. RADONSKI: And we pared it down a little

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1 bit.

2 CHAIRMAN HIXON: So these eight represent
3 a condensation of a longer list. Okay. Fine. Okay.
4 I'm sorry. We do have to move on.

5 MR. RADONSKI: Same with the other committee,
6 as well as --

7 CHAIRMAN HIXON: Yes. We'll go to that after
8 we do two. I'm just doing them in order. So I don't
9 get lost.

10 So Ad Hoc Subcommittee C2, Priority
11 Objectives for Cultural Heritage. Ellen.

12 MS. GOETHEL: Yes. Everyone should have
13 copy of this. And the only change I would make --

14 CHAIRMAN HIXON: I don't think a copy has
15 been around.

16 DR. AGARDY: Yes. We have it.

17 MS. GOETHEL: There are thirty of them. So
18 they should --

CHAIRMAN HIXON: Okay.
19 It sort of didn't make it around this corner of the table.

20

21 MS. GOETHEL: Where -- is it laying on the
22 table somewhere?

23 CHAIRMAN HIXON: Oh, those right there.

24 MS. GOETHEL: Okay. The only difference I
25 would, I would -- the correction I would make is over

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1 in the top left, it says, "Example national system
2 objectives." And I would add, "ranked in order of
3 importance," because they are.

4 The first was the cultural and historic
5 resources listed on the National Register of Historic
6 Places. And we set that down as Phase 1, highest importance.

7 And that would be a very small number of areas, but
8 very easily to identify.

9 The next would be cultural and historic
10 resources determined eligible for National Register of
11 Historic Places or listed on a State Register. These
12 would be, might be a little bit more difficult to get
13 the documentation. But we felt that they would still
14 be fairly easy. So they would be high priority and under
15 Phase 1.

16 The next would be Cultural Sites that are
17 paramount to a culture's identity or survival. Now we
18 felt that this was very high priority, but we also realized
19 that, in the past, it has been very difficult to obtain
20 information on these areas because of their sensitive
21 nature. Some of the people involved don't want to give
22 that information up, until the area is at risk of being
23 destroyed. So we would like that to be in Phase 1, but
24 we realistically think that it may not happen as quickly
25 as the others.

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Next we have Cultural and Historic Sites that may be threatened. And these are very sensitive places that need to be very quickly protected. We put them down as, not as high priority in Phase 2. But with the reality that once they are identified, they need to be on some type of fast track to protect them or they'll disappear.

The next was Cultural and Historic

disappear. The next was Cultural and Historic Sites that can be utilized for heritage tourism. And that we've listed as medium priority. And these sites would be recognized a little less easily, but they would be -- and they may not be old enough to be on the National Register of Historic Sites but of equal importance. So Phase 2.

And lastly the Cultural and Historic Sites that are under-represented being whaling fleets, fishing vessels, Spanish exploration, things that there are very few of. So that we need to have a few represented in the system. That's a high priority. A lot less available information. So we put this in Phase 3 mainly because it would take, it's going to take a great deal of work and a dedicated effort to set up the criteria and assessment to make this happen.

CHAIRMAN HIXON: Great. Thank you.

MS. GOETHEL: Any questions?

CHAIRMAN HIXON: Any questions?

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1 (No response.)

2 MS. GOETHEL: Did I miss anything?

3 CHAIRMAN HIXON: Very thorough.

4 Okay. Let's go on to Ad Hoc Subcommittee
5 3, Priority Objectives for Sustainable Production. Max.

6 MR. PETERSON: Okay. If you -- everybody
7 look at the projection on the screen. We first went,
8 we first ended up with seven sustainable production
9 objectives. After quite a bit of work. And then we took
10 those seven. We tried to list high, low, medium priority.

11 We ended up with actually all seven of those we considered
12 relatively high priority. Depending on the area,
13 depending on the habitat, and so on. And then we forced
14 ranked them, in terms of what was the highest priority.
15 And you see that one through seven.

16 One was, protect habitat for spawning for
17 juvenile growth and foraging, conserve natural agent
18 sex structure, and important harvestable species. Mark,
19 as we picked up your structure thing that you had also
20 suggested to us, we put in there. We also put conserve
21 areas of high larva production and reduce by-catch.
22 Number four, provide compatible opportunities for
23 education and research. Number five, conserve or restore
24 high priority fishing grounds. Number six, provide
25 opportunities for education and research. And you see

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1 there's actually some overlap between five and seven.

2 So if we have more time we might -- but the this one
3 down here the 7th rank was where the primary objective
4 is to, an education and research area per se. The other
5 where you were you actually having sustainable fisheries
6 with also opportunities for education and research, but
7 not the primary purpose.

8 MS. WOONINCK: I think I mis-wrote, the one,
9 turn to number five to be providing available opportunities
10 for sustainable fisheries.

11 MR. PETERSON: Yes. I think you're right.
12 I knew the emphasis there was on sustainable fisheries.

13 MS. WOONINCK: Yes. Sorry.

14 MR. PETERSON: It was not on education and
15 research. That's the last one. Let's look.

16 MS. WOONINCK: Should the last one be provide
17 up -- what a minute, leave it, leave it. So that one
18 should say provide opportunity for sustainable fisheries
19 in seven. Okay. So this one should be, yes. Sorry.

20 MR. PETERSON: There's no, there was, no
21 there's was no education in that one. We got a problem,
22 actually the problem is with number seven. Okay. Now
23 you've got, now it's correct. That's the correct
24 terminology.

25 And we also then divided it in to phases.

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1 We said if Charlie or Joe are trying to take what's
2 the first phase out of this, we would suggest the protect
3 habitat for spawning for juvenile growth and foraging.
4 And in number two, conserve natural age and sex structures.
5 Important harvestable species. We're trying to have
6 a whole age distribution there. Which picked up on your's
7 too in there. Anyway that's our report on this one.
8 It's fairly straight forward. We did reduce it to seven
9 to try to get away from about thirteen or something to
10 start with. Questions comments?

11 CHAIRMAN HIXON: So just for clarification,
12 I assume like the other list that this is a, first a
13 condensation of a longer list as you've just said. But
14 also that all these are seen as important.

15 MR. PETERSON: Yes.

16 CHAIRMAN HIXON: And you're sort of ranking
17 and phasing them because you've been asked to.

18 MR. PETERSON: That's right. We, we --for
19 operational purposes they asked us to phase them. I should
20 also say that the ranking there is a, is -- we had everybody
21 independently on the committee rank them one through
22 seven. And then we came, we averaged that. And then
23 we had everybody look at it and say, can you live with
24 that ranking? Does that represent a ranking that you
25 think is a reasonable consensus? And that tended to reduce

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1 the time we spent on it. And generally speaking, most
2 people were one or two off of the ranking. A few places
3 longer than that, so, or more than that. But said, "Yes
4 I can live with that." Because they're all high priority.
5 Yes.

6 CHAIRMAN HIXON: Okay. Well hold on. Let
7 me get a list of names here. Tundi. Anyone else? Quick
8 questions. We can't take many. Bob Zales.

9 MR. ZALES: Mine's real quick. On the last
10 one where you've got provide habitats. I'm assuming that
11 would be like artificial reefs, things like that. Maybe
12 not. And the species, would be like through hatcheries
13 or aqua culture or something like that?

14 MR. PETERSON: No. What we're talking about
15 there, we're providing habitat which might be important
16 coral habitat. It might be important -- all kinds of
17 important areas for the supporting and sustaining
18 production. And also we were looking at the particular
19 species that might be badly depleted where you might
20 set up an MPA to restore that species. Because it's an
21 important species for recreational fishery that's been
22 either depleted or the distribution is out of kilter
23 and so on. So it's not -- we're not talking about providing
24 hatchery fish or something there.

25 MR. ZALES: Okay. Well then, I don't know

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1 where it would be, I'll think about it. But providing
2 may be the problem I have with it. That would indicate
3 to me that you're not -- provide a habitat which you're
4 going to make or you're --

5 MR. PETERSON: Okay.

6 MR. ZALES: -- provide a species which --

7 MR. PETERSON: Maybe we ought to say,
8 "conserve and manage," or something like that.

9 MR. ZALES: Yes.

10 MR. PETERSON: Okay. Okay. Thank you.
11 Thank you.

12 CHAIRMAN HIXON: I think more explicit
13 wording in a lot of these would be useful.

14 MR. PETERSON: Thank you.

15 CHAIRMAN HIXON: Tundi.

16 DR. AGARDY: By "high priority fishing
17 grounds," do you mean commercially important fishing
18 grounds or traditionally important? Small scale fishing
19 grounds? And what do you do about the -- if you meant
20 both, then what do you about the case where one is in
21 conflict with the other?

22 MR. PETERSON: We weren't talking about
23 traditional uses there because you've got cultural
24 resources at another place. We were talking about, we're
25 generally talking about recreational fishing here.

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1 Because that's -- we're talking about sustainable
2 production for a wide variety of uses.

3 DR. AGARDY: So you didn't mean to imply
4 conserve or restore high priority commercial fishing
5 grounds --

6 MR. PETERSON: No.

7 DR. AGARDY: -- for the use of MPAs, for
8 instance?

9 MR. PETERSON: We just said, "Habitat for
10 recreational fisheries."

11 DR. AGARDY: But this is all recreation.

12 MR. PETERSON: All high priority fishing
13 grounds.

14 CHAIRMAN HIXON: So, so Tundi's talking about
15 number six.

16 MR. PETERSON: Yes.

17 CHAIRMAN HIXON: So is the intention there
18 recreational and commercial or just recreational for
19 number six?

20 MR. PETERSON: We didn't discuss that really.

21 I think that the, I think that's something we didn't
22 discuss. I can't -- it could be a mix, I guess. Or we
23 can discuss it tomorrow.

24 CHAIRMAN HIXON: Yes. We're obviously
25 going to be going back to do our work. Okay. We're almost

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1 on time. Good work everybody. Again I appreciate
2 everyone's been buckling down to get under this deadline
3 that we've been facing. What we're going to do now is
4 have a working lunch. And I guess before all the chaos
5 breaks out of getting the lunch, let me, if I could introduce
6 Donna. Donna Wieting is Deputy Director
7 from NOAA's Office of Ocean and Coastal Resource Management.
8 She'd like us to actually engage in a discussion with
9 her today. The questions were sent out earlier regarding
10 the future vision for coastal management in the United
11 States.

12 So everyone grab lunch. And have a seat.
13 And Donna will make her presentation.

14 Yes, Terry.

15 MR. O'HALLORAN: I would like to point out
16 that it seemed like earlier, in the discussions on the
17 national system, the MPA category table.

18 CHAIRMAN HIXON: Yes.

19 MR. O'HALLORAN: It seemed like we're getting
20 really close to a decision where we could have some
21 consensus. And then we -- the discussion just stopped
22 and we moved on. And I just would like to say that if
23 we get places where we are really close to consensus,
24 I think it's good to grab that. Make a decision so we
25 can move forward. Otherwise we keep tabling things.

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1 CHAIRMAN HIXON: Yes. Thanks, Terry. I --
2 the sense I had was that some of these are extremely
3 close, but there was still some changes in wording that
4 seemed to be acceptable to everyone. So in that case,
5 for example, Ad Hoc Subcommittee A, there's like three
6 words to change. So I just say, "Change the three words
7 and then we'll vote on it." So yes, I say we are very
8 close. Or vote on it or just by acclimation consensus,
9 adopt it. But I think there's just, there's a little
10 more tweaking involved with all these. And some of these
11 a little bit more than others.

12 Right now we're on a time constraint, is
13 the problem. But we will do this first thing tomorrow.
14 Or we may even be able to get done before 2 and do that.
15 Because, for example, I think there were no questions
16 for Subcommittee C2, so they appear to be done. They're
17 happy with it. Nobody else has heartburn over it. So
18 we're almost there. I'm constrained by the schedule right
19 now.

20 Okay. So let's have lunch. And then Donna
21 will speak during lunch. Thanks everyone.

22 (Whereupon, the foregoing matter went
23 off the record at 11:52 a.m. and went
24 back on the record at 12:11 p.m.)

25 CHAIRMAN HIXON: Everyone, I think you've

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1 had the opportunity to get a bite to eat and have some
2 nice break. If I can have your attention please. Thank
3 you. I don't need the gavel. Although I do like to use
4 it when Lauren's not here. Okay.

5 So Donna Wieting again is going to lead a
6 discussion on envisioning the next 30 years of coastal
7 management. She has some explicit questions that were
8 emailed to everyone that I hope everyone had a chance
9 to ponder. She's actually here for explicit feedback
10 from us. Not just giving a presentation. But she will
11 put the questions up on the board, so if you didn't read
12 that email we'll get through this. So thank you, Donna.

13 MS. WIETING: Thank you everyone for giving
14 me an opportunity to have time on your agenda. And I'm
15 hoping that maybe listening will help your digestion
16 or your digestion will help with your thinking. Or
17 something like that will happen. So appreciate,
18 appreciate the opportunity.

19 I'm, I'm pretty new to this position in Office
20 of Ocean Coastal Resource Management. And so I've got
21 some back-up in the back of the room that are going to
22 help me if there are some questions that you have that
23 I can't quite answer.

24 But what I'd like to do is tell you a little
25 bit about our Coastal Visioning Initiative. What it is,

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1 if you haven't heard much about it. And then get to these
2 questions and this input that we would really welcome
3 from you all on how we, how we look at the next six months.

4 But then really more broadly are, the direction we should
5 be going for coastal management over the next 30 years.

6 Okay. How come -- oh, there we go. All
7 right. Did I go to far? Hang on. We'll get there. Okay.

8 So this visioning initiative, it's been about a year
9 long process, to look at coastal management generally.

10 The Coastal Zone Management Act has been around for
11 about 30 years. Looking at re-authorization of the CZMA.

12 But again more broadly, what are, what are the range
13 of things that we should be looking at, on where we want
14 coastal management to be.

15 Now, as I said, our short term is to look
16 at options and proposals for the CZMA, but you don't
17 have to be an expert or knowledgeable about the CZMA
18 to have real positive input in to this process.

19 What we're hoping, as I said, it's about
20 a year long process. And we've gone through a couple
21 phases which I'll talk a little bit about. But we're
22 hoping that by the July/August time frame that we're
23 going to have a report. I should say that NOAA is working
24 closely with the Coastal States Organization and the
25 National Estuarine Research Reserve Association. And

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1 that together the three of us hope to have a report with
2 some core principles and options that we all agree on
3 as important aspects of coastal management and CZMA
4 re-authorization.

5 Now as you're all probably aware, once we
6 get to actually writing billing we all go our separate
7 ways. And I'm sure there be a number of things that NOAA
8 will have in their proposal that will not be in the others
9 and the same for the other organizations. But we're hoping
10 that we can come to some, some core principles that we
11 all agree on are important for coastal management. And
12 we're striving again for that report July/August. I think
13 Coastal Zone '07 will be in Portland. And we're hoping
14 to present something there at least a draft of our findings
15 at that point. And then go off and sequester ourselves
16 and do our CZMA re-authorization bill.

17 We really want to go beyond the status quo.

18 This message has been hit home to us from OMB, from
19 the Hill, from the public, that we really need to look
20 at some innovative thinking and innovative approach as
21 to coastal management. We've got some challenges before
22 us, as I'm sure you're all aware of, that are really
23 moving, are really coming down on us. And we need to
24 find some ways to deal with these new challenges. And
25 to take a look at what's worked over the last 30 years

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1 that we want to either enhance or support. And what are
2 the things that haven't worked out well that we really
3 need to make some changes to? And what are, where are
4 those gaps? Those things that we're missing that we want
5 to perhaps add some new structure to coastal management.

6
7 As I said, OMB and the Hill and others really
8 expect some, some significant changes. And OMB is really
9 focused on priority setting both the national and regional
10 level. They want to see some outcome oriented performance
11 measures. And they're looking at increased competition
12 for funds within the CZMA. So those are the kinds of
13 things that they're pressing on us.

14 And coming to you all today is real important
15 because of this idea of wanting to get some innovative
16 thinking going beyond the status quo of the everyday
17 coastal managers who obviously have some very important
18 information to provide. But we're also looking beyond
19 there to folks who are very invested and interested in
20 coastal management, but may not be in the usual coastal
21 management community. So I'm really looking forward to
22 hearing from you all and your input on this.

23 As I mentioned, we've had a couple of phases
24 of this effort, this initiative. The first phase happened
25 last summer to fall. And that was developing a discussion

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1 paper. Looking at, just generally, what the key
2 challenges, questions for discussion. It really was meant
3 to be a think piece. And you can find that on our website.

4 And I encourage you to take a look at that. Some very
5 interesting thoughts came up there.

6 And then what we did is, we took that and
7 we had a directed survey of managers, coastal managers
8 within the system including coastal zone managers within
9 states, the Estuarine Research Reserves, and some fishery
10 managers, those sorts of folks. And had some directed
11 questions to them in surveys about, about the core issues.

12 What are the important challenges? Maybe some ideas
13 on what what improvements might be made.

14 And now we're going in to Phase 3 which we
15 have started a few weeks ago to meet with stake holders
16 around the country. The five meetings we've got proposed
17 -- let me see if I've got the dates right here. Boston
18 is coming up May 8th. Chicago is May 21st. Atlanta is
19 May 31st. We've got Hawaii June 7th and 8th. And San
20 Francisco on June 12th. So those are the upcoming meetings
21 that we encourage you, your constitutes, folks you know,
22 to come and attend and talk. And again, we'll be trying
23 to get input from folks at that meeting, those meetings.

24 Along with the stake holder, the stake holder
25 groups that we're looking at. We'll also going to be

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1 convening expert groups and I'll go in to that in a little
2 bit, as well. And we, just a few weeks ago, had about
3 20 folks come in from a range of organizations,
4 non-governmental, state managers, the federal
5 organizations, and I know I'm missing a few, industry
6 associations, to get some general ideas about about what
7 they think the challenges are and where we should be
8 focusing our efforts.

9 So just to let you know a little bit about
10 the Phase 2 report which also is available and I encourage
11 you to take a look at. And the key findings that we heard
12 from the state managers. Growth was number 1. That may
13 not surprise many of you. Because there are so many
14 challenges associated with that. We know that people
15 continue to want to move closer to the coast. And all
16 the impacts associated with that growth and the ability
17 to plan for that and plan for those impacts.

18 And then of course related to that, when
19 there are natural disasters, how do you then deal with
20 those disasters on top of the growth in that area?

21 The other key finding was that local
22 governments are so key and so important to looking at
23 coastal planning, looking at the pressures that are on
24 the coastal environment and yet the linkages between
25 the coastal, state and federal systems, as again, may

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1 not be a surprise to many of you, are not, not well in
2 place. And that mechanisms need to be identified that
3 can help to foster better communication, collaboration,
4 and better co-planning for lack of a better word.

5 On these other issues, climate change and
6 the effects on impacts to habitat, as well as, again,
7 if there are associated impacts to the humans in that
8 area and then what you do on top of that. And
9 as I mentioned, associated with the local governments,
10 federal interagency coordination is generally considered
11 ineffective. And that there are so many different
12 programs out there, it's really hard to know how they
13 all link together. If they do, are there competing
14 interests?

15 And as part of our effort in the visioning,
16 we are meeting with many other federal agencies. We just
17 had our first meeting with EPA yesterday, to try to get
18 an understanding of the types of coastal management
19 programs they have. And how we might better link, which
20 much of that would be separate from a CZMA re-authorization
21 per se but it's just good government to try to figure
22 out where we can better link up, how we can work together
23 as federal organizations to not duplicate, and not to
24 have too many gaps. And of course we'll be looking to
25 many of the other kinds of organizations and federal

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1 agencies to work with on this. We've got others, other
2 meetings set up with Department of Interior and FEMA
3 and many others.

4 So some of the ideas that we've heard from
5 managers on looking at sort of innovative approaches
6 and where they think, as their first reaction, on where
7 we might go. I'm looking at a tiered approach for coastal
8 management. So saying that, as part of our funding
9 mechanisms, let there be a way for states, if they want
10 to take more initiative, if they want to do something
11 on top of or in addition to, it's already in the statute
12 that they should be able to opt in to those new program
13 initiatives. And be able to get more funds from that.

14
15 Requiring states to develop strategies for
16 working with local governments in a more formal approach.

17 And also with the federal government, as well. And
18 implementing a regional approach to a priority setting.

19 I think you've seen, there's a lot of regional, states
20 are getting together on regional basis. They're looking
21 at where their common ground is and what common challenges
22 are. And some of their interest is in trying to develop
23 priorities based on those, those regional issues and
24 challenges.

25 But one thing I will say about what we heard

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1 in that, in that Phase 2 report and from the managers.

2 Frankly, I think the coastal managers and the states
3 were not quite sure whether we were really serious about
4 this initiative, is the sense I get. And so they may
5 not have really been as engaged or as aggressive in their
6 thinking as they might have been. I think since that
7 time, since the time of the going out with the survey
8 and getting that information from them, they've come
9 to realize that OMB is very serious about, about making
10 changes. That the Hill is very interested and very
11 positive about making changes. And that we are. We are
12 very serious about this and trying to gather the information.

13 And really trying to, trying to come up with some
14 innovative strategies. Something outside of the norm.

15 And so we've gotten a whole lot of renewed interest
16 from the states. And at these stakeholder meetings that
17 we're planning on, starting in Boston on May 8th, we're
18 seeing a lot of the states taking the initiative to go
19 back and work with their local, local associates to try
20 to gather information and send that in to us. So I don't
21 see them seeing it as, that their Phase 2 was the end
22 of the process. That they plan on, I think, giving us
23 a little bit more, more innovative ideas as we move forward
24 on this.

25 So as I said, coming up on this Phase 3.

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1 We had our group of 20 thinkers come in and talk to us
2 a little bit about their, the issues and challenges that
3 they see in some of the innovative approaches. We've
4 got the five stakeholder meetings proposed over the next
5 month and a half. We've got, we have a couple of small
6 groups of experts between NOAA, Non-OCRN, but other parts
7 of NOAA, coastal program managers, estuarine research
8 reservemangers. Andwe'regettingtogetherandthinking
9 and taking some of the input we've already had and trying
10 to have that as, as thoughts that can be included in
11 these regional discussions for the, for the stakeholders
12 to sort of react to and see whether that's, those are
13 good ideas or not.

14 We plan on having a couple of topic based
15 national workshops. So if we've got some big level issues,
16 federal consistency may be one that might be of interest
17 to many of you. And that's something that's very hard
18 to deal with without some very specific focus discussion.

19 So we'd probably have some sort of a national workshop
20 on that. There might be another. And I -- we're going
21 to see how the information is coming in and where we
22 think those topics might be.

23 We're continually having ongoing meetings
24 with key constituents and congressional staff to talk
25 about the Visioning Initiative. And that's where I'm

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1 hoping you all can also help us, in identifying, who
2 should we be talking to? Who would be interested in
3 providing input? And helping to guide us, to either bring
4 those people to the, regional meetings, if you can, to
5 the stakeholder meetings. Or if they can't make it there,
6 letting us know what kind of input they might like to
7 have.

8 So all of this is happening over
9 the next few months. We've got people working furiously
10 on trying to get all of this set up and make sure that
11 we've got good input. So as I mentioned, we would like
12 to get your ideas on local networks, partner agencies,
13 partner associations who want to participate in the
14 stakeholder meetings. We also, of course, in this
15 discussion, at least like to get your initial ideas about,
16 about the challenges, the issues, any potential solutions
17 you might have. But really think of this as the beginning
18 of a conversation. We certainly don't think that all
19 of the ideas could be captured today. But we wanted to
20 get you thinking about it.

21 And so you are welcome to contact myself
22 or Ralph Cantral. If Ralph, you can raise your hand.

23 At these email addresses. We also have a way for folks
24 to comment online. And we encourage you to do that.
25 But really, you're also welcome to pick up the phone,
talk, give me a call, send me an email. And I would like

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1 to further discuss this with you all.

2 Sobefore I goto the questions, the discussion
3 questions, I wanted to see if anyone had any general
4 comments or questions about the process, the time line,
5 if I, if I confused anybody on anything.

6 (No response.)

7 Okay. I'll take that as a good sign, I think.

8 Did I miss anything, Ralph? Good to go. Okay. All
9 right.

10 I'll tell you what the three questions are.

11 And the three are, this first one has to do with sort
12 of the scope and focus of the CZMA. Is it, is it right
13 where it is now? Does it need to change? And if it needs
14 to change or you think it should be focused a little
15 bit more in one direction or another, what are the barriers
16 to doing that now? And what might be some ways we can
17 get over those barriers? So that's that's the first
18 question. I'll go back to this. But I just want you
19 to see all three of them.

20 The second one has to do with integrating
21 with other initiatives, other regional efforts. Whether
22 you have some thoughts about, how we can do a better
23 job of that. How the Coastal Zone Management Process
24 Program and Act could, could work better with these other
25 initiatives.

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1 And then going back to my other request on
2 whether you have some other folks, particularly, outside
3 the traditional coastal management community that we
4 should be working with and talking to.

5 So let's go back to the first question. And
6 basically, the CZMA, although the scope is meant to be
7 landside as well as ocean, the focus traditionally over
8 the last 30 years or so has tended to be more on the,
9 on the dry side. And so the question is, really, is that
10 where the focus should be? There are obviously some areas
11 on the wet side that we've been involved in, on consistency
12 and other things like that. Is that the right focus?

13 Is it, should it be more wet side? And if so, you know,
14 what are the kind, what are the important issues that
15 we should be dealing with, within the CZMA, to address
16 the more wet side issues? There are certainly some things
17 that might fall in to that purview and others that are
18 not as appropriate. It's being handled well somewhere
19 else.

20 Second part of this, from your perspective,
21 what would have been the barriers to us being a more
22 wet side focused on statute, in program?

23 And thirdly, what policy, governance,
24 coordination, funding or other kinds of efforts should
25 we be adding to, expanding upon, including in the new

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1 CZMA to better address the wet side issues? So
2 let me open that one up for discussion and see if you
3 have any thoughts on any or all of that. Yes, sir.

4 MR. PEREYA: Yes. One of the questions that
5 comes to my mind, specifically the activities that we're
6 involved in here were, this national system of MPA. So
7 often MPAs particularly coastal MPAs are impacted
8 negatively by upstream degradation of the, of the
9 environment. Runoff and so forth. Coastal zone plays
10 a big role in that certainly in estuarine areas and so
11 forth. And I don't know to what degree that is, that
12 is integrated in to your, in to your process.

13 And then the second question that I have
14 is, involves the Endangered Species Act, and I'm wondering
15 whether or not CMZ funding activities and so forth are
16 subjected to the same sorts of Section 7 consultations
17 of other federal agencies are subjected to when it comes
18 to potential threats to endangered species and the need
19 for mitigations?

20 MS. WIETING: I might be able to address some
21 of that. I didn't really go in to too much on the Coastal
22 Management Zone Act itself. But a lot of what we do through
23 the CZMA is through the states. And their planning
24 programs, almost all the states have a program in place,
25 to manage their coastal, coastal zone. And so as part

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1 of that process, there is certainly consultation
2 requirements. And then as part of the federal consistency
3 where a federal agency needs to be in compliance, where
4 practical, with state programs. There's also some, there
5 be some consultation involved in that if there's a federal,
6 federal action. And then of course there's also the
7 National Environmental Policy Act. So all of that does,
8 does come in to play as part of the coastal planning.
9

10 Any anything else on that now?

11 MR. CANTRAL: Well, I think in the whole
12 watershed, the stuff coming down towards the open water.
13 That's something that we've given some long hard thought
14 to, because each state was allowed to develop a program
15 that was different from each others. And some states
16 have a very narrow definition of what the coastal zone
17 is. Some states such as Delaware and Florida really look
18 at the entire state as coastal zone. So that's an issue
19 that, that we're certainly talking about.

20 MS. GOETHEL: Ellen Goethel. I deal with
21 the Coastal Zone Management in New Hampshire. As a
22 conservation, as a conservation commission member in
23 New England, I deal with Coastal Zone Management and
24 the Grant System. And I have to say that it has had a
25 very positive impact in New England. There's a few things

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1 that I can think of that don't necessarily have to do
2 with MPAs, but would be, might be helpful or some thoughts
3 that you might.

4 The first would be to expand -- I know you
5 did water quality in different states. You're involved
6 in a lot of different activities. But I really would
7 like to see the things that are being tested expanded
8 to -- I just had some talks about this, hormones in the
9 water especially endocrine blockers. And I think that
10 there having a really strong negative effect on our coastal
11 waters and the fisheries in those waters. And I think
12 that's something that you may, I mean, they're coming
13 from down, upstream. And I know that you have a new focus,
14 that's watershed focus that you're using right now which
15 is excellent. So that may be something that you can look
16 in to.

17 And also the use of the inshore areas mostly
18 in the state waters for things like doing some environmental
19 impacts that aren't necessarily required in state waters
20 when projects go forth. And I'm not necessarily against
21 these things, these are just things that I'm putting
22 out that we have been dealing with in New England like
23 farm placement, and LPG terminals that are within state
24 waters that do not have to meet the federal requirements.

25 I think that the Coastal Zone Management may have to

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1 deal with some of those things or help the states develop
2 a way to deal with those things before they come down
3 the pike really fast and furious and there's nothing
4 in place.

5 MS. WIETING: So if I can follow up on that.

6 So, are you thinking of more sort of requirements within,
7 within the federal statute for what those state plans
8 should contain? Or are you thinking it more in a technology
9 transfer?

10 MS. GOETHEL: I'm thinking both.

11 MS. WIETING: Both.

12 MS. GOETHEL: Both. It's just something
13 that, some thoughts to, that you can mull over, but those
14 are areas that I think are lacking within the state
15 jurisdiction.

16 MS. WIETING: And going back to your water
17 quality comment. That was one of the things in talking
18 with EPA, we actually met with EPA yesterday. Because
19 as you know they have a very strong water quality monitoring
20 mandate. And so trying to match up where is it appropriate
21 for them to be doing that sort of work? Where is it
22 appropriate for us? And how do we mesh those two without,
23 you know, tripping over each other? And yet not missing
24 some, some things because they've got the Clean Water
25 Act responsibility. So I think that's an important point

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1 that, that we do want to follow up more with the EPA
2 and others on.

3 Yes, sir.

4 MR. PETERSON: Max Peterson. I'd like to
5 make, express a couple of thought I think applies to
6 all of your questions. Given the fact that funds are
7 probably going to be limited in the future, there must
8 be some things you've been doing that don't work very
9 well. On the other hand, there must be some things that,
10 you've been at this for more than 30 years, that work
11 fairly well. It would seem to me like one of your, one
12 of the things you ought to be re-looking at in this whole
13 thing and I don't see it in your questions, is to really
14 try to ,with managers and others, try to find out some
15 places where the system tends to work.

16 MS. WIETING: Yes.

17 MR. PETERSON: And what you've learned from
18 that. Or some things you're doing, some policies, or
19 programs. And maybe you quit doing those. Because I
20 don't see Congress just having barrels of money.

21 Let me give you a specific example. I live
22 in one of the fastest growing counties in the United
23 States. They've spent barrels of money on something
24 called growth management. It's been of absolutely no
25 use, generally speaking. The only thing that has worked

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1 has been purchase of development rights or taking of
2 conservation easements. So that people actually agree
3 that their not going to develop an area. Because zoning
4 tends to last a few years, and then politics change,
5 and it's gone.

6 Anyway, the whole, the big point is though,
7 that it seems to me like it would be really helpful to
8 look at what things have worked, what things haven't
9 worked. The Government, critics of the Government say
10 we continue to use failed policies wherever. We don't
11 ever get rid of any programs. Anyway just a thought.

12 Okay.

13 MS. WIETING: Well actually I think that's
14 very good. These discussion questions that we have here,
15 we really tried to target towards you all and where you're
16 interests and expertise might be. But that's exactly
17 the kind of point that we've been asking at the, with
18 the managers and that we'll be asking with the stakeholders
19 as well. Is, you know, what has been working well that
20 you think is important to keep? And what are the things
21 that haven't? Should we change them or just not, not
22 do them? Should somebody else be doing them or should
23 they not be done at all?

24 And then the second point I think is very
25 important. It's that kind of information on, at the local

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1 level are there some, you know, maybe very good intention
2 policies that have not been working as well as maybe
3 some other policies. People have talked about, you know,
4 tax, tax incentives or tax, you know, rates will do a
5 lot more to drive either economic development or not
6 than any kind of rule or law. So is that the approach
7 that should be taken? And is that something that's done
8 in the CZMA at all?

9 So I think those are really actually very
10 valid points about how to how to look at management,
11 and growth, and where the focus should be on trying to
12 make the big changes.

13 Did I miss anybody in that back corner? Tundi.

14 Sorry.

15 DR. AGARDY: Thank you, Donna. Tundi Agardy.

16 I just wondered if one way, this is kind of counter
17 to what Max just said. So the diametrically opposed --

18 MS. WIETING: Then I change my answer.

19 DR. AGARDY: -- with the intervention the
20 one Max just suggested, which is stick with what you
21 do well. But I wonder if one way to move CZMA authorities
22 kind of more in to the wet, which is an obvious an obvious
23 need, I think, as people have looked at the successes
24 and failures of CZM at both the federal and state level,
25 is to get engaged and be proactive on the ocean zoning

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1 issue. And in particular, since some states are moving
2 forward with ocean zoning, at least in theory if not
3 in practice yet, I think there would be a role for federal
4 CZM authorities to try and develop the regional perspective
5 as -- and guide the states in a way that the zoning makes
6 sense at the bigger scales, at the ecosystem scales.
7 Because even within the three mile limits of states,
8 there's going to be some need to coordinate across state
9 boundaries and to coordinate between the state and federal
10 jurisdictions. And I think that would be incredibly
11 important role for you all to play. To kind of coax and
12 encourage and at the same time try and prevent a kind
13 of unilateral, you know, zoning sprouting up in various
14 states. And develop a more strategic approach.

15 MS. WIETING: What we've heard from some,
16 some managers is that, yes, finding that balance between
17 sort of federal boundary setting. You know, sort of here's
18 the range, and know you all of the states or the regional
19 levels, figure out where within that you want to go.
20 And so that, that has been brought up as one role of
21 the federal, federal agencies without being to
22 prescriptive by region that really, it's important to
23 have the regional states being able to develop those,
24 those approaches. But that there be some sort of federal
25 guidelines, boundaries, range. So, you know, it's very

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1 good.

2 I'm sorry, sir.

3 DR. HALSEY: John Halsey from Michigan.

4 Coming from the Great Lakes, I think it needs to, you
5 need to be aware, and I'm sure you are of, I'm not sure
6 how far it's gotten in to your policies, the changing
7 nature of the wet and dry boundary. Of lakes are
8 approaching all time historic lows. And we're seeing
9 increasing legal challenges to, even such basic things
10 as people being able to walk on the beach without running
11 into fences and so forth. The public demanding the ability
12 to do things with state owned bottom lands that they
13 never could do when there was water on them.

14 I think all of these aspects are going to,
15 should strongly color whatever kind of project you're
16 going to be looking at. Because there's no projection
17 that I see that says the lakes are going to recover anytime
18 soon. If anything, they are going to continue to drop.

19 And this is going to open up, excuse me, an awful lot
20 of territory, both literally and figuratively, to dispute.

21

22 MS. WIETING: Ralph, has that been anything
23 that, since I'm relatively new to the office, I'm just
24 trying to get sense of whether that, that issue has been
25 discussed much in the past.

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1 MR. CANTRAL: Yes. Actually that's a really
2 big issue with the Ohio Coastal Program right now. We're
3 doing an evaluation in to the program and that's the
4 biggest issues that we have on the plate for the next
5 couple of weeks to talk about that.

6 DR. HALSEY: The public tends to assume that
7 their property line is the edge of the water.

8 MS. WIETING: Right.

9 DR. HALSEY: The states are going to say,
10 "No, it's the ordinary high water mark," which is somewhere
11 now maybe a quarter of a mile from the edge of the water.
12 There's a lot of false perceptions about, about ownership
13 that are going to have to be confronted.

14 MS. WIETING: Thanks. Yes, sir.

15 MR. BENDICK: Bob Bendick. Well the
16 opposite is true on, you know, the ocean coast and what
17 used to be, you called here dry, is about to be wet.
18 And having watched what's going on in the Mississippi
19 coast right now, following Hurricane Katrina, it does
20 not seem to me there's not nearly enough emphasis in
21 your questions about the multiple impacts of sea level
22 rise and storm hazard issues along the coast and the
23 potential for giant investment or disinvestment to protect
24 the coast, to rearrange things, to change land uses.

25 And we're, we continue to ignore and hope

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1 for the best, not in the theoretical world of the New
2 York Times, but on the ground in all the coastal places.

3 I, I think that needs to be a more important issue in
4 what you're doing here because it's already, change is
5 already happening in the insurance industry and all sorts
6 of things. And Coastal Zone Management should be at the
7 heart of that. And I'm not sure that anything else is
8 going to compare with the impacts on coastal resources
9 as that in the next 20 years.

10 MS. WIETING: So you're referring to the
11 idea of, I don't know whether it's resiliency or response
12 to natural disaster, as one of the core pieces of the
13 CZMA, is what you're suggesting?

14 MR. BENDICK: I'm referring to the whole range
15 of things whether it's hardening the shoreline or building
16 levies to protect Miami or New Orleans. Or allowing
17 natural systems to migrate or any of the many things
18 that will result from sea level rise will be, not so
19 much an issue on the west coast, but on the east coast
20 and the Gulf coast. It's -- everything else pales in
21 comparison in terms of Coastal Zone Management, you know,
22 in the next era of Coastal Zone Management.

23 MS. WIETING: And I think as we heard from
24 the managers, the coastal managers, in our Phase 2, those
25 kinds of issues were seen as really significant challenges.

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1 I think they're stumped on, so now what do they do?
2 How do they prepare to that? How do they respond to that?
3 What are the what are the either technologies, or
4 information, or practical things that they can do to
5 either prepare for this or to respond to it? And so that's
6 certainly something that we have highlighted as a really
7 key, key issue.

8 Anything else on that, Ralph?

9 MR. CANTRAL: Yes. What I would add is that,
10 just in the past few months, we've met with the American
11 Insurance Association a number of times. And they have
12 just discovered Coastal Zone Management and they are
13 trying to say, "So how can this federal program help
14 out with this real imbalance of the risk associated with
15 both public and private investment?" And so we're, we're
16 working with them and trying to figure that out.

17 The next thing is meeting with FEMA. And we have
18 a meeting in a couple weeks, a formal meeting. But in
19 informal discussion, they're really looking at the whole
20 coastal issue of flood insurance in this country. That
21 it's very different from the riverine, and it's always
22 been managed the same. And so, are there ways that the
23 public policy can change from that angle to deal with
24 these just staggering risks that are out there?

25 DR. MURRAY: Steve Murray from California.

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1 So with regard to your first discussion question, you
2 ask, is there a need to integrate wet side management?

3 I think the answer all of us would say here it is, "Yes
4 very much so." And that some very strong attention should
5 be given to that. I want to use an example of a scenario
6 that I recently have interacted with, as an example.

7 So in the part of the coast where I live
8 and work, I was asked a question about "non-point source
9 runoff" which is a big area, a big issue in urban areas.

10 And the question I was asked was, so if we put in various
11 mechanisms to clean up the pollutants and other impactful
12 elements in non-point source runoff, how will we be able
13 to tell and how long will it take for us to see changes
14 in the coastal marine biota to which would be the receiving
15 areas for this non-point source runoff?

16 So you look at this and what you find is
17 that, the folks are out there monitoring and looking
18 at and majoring constituents that are in the runoff.
19 Pretty simple to do with chemistry and certain guidelines
20 are set. Those numbers are there. You can step forward
21 in to that and say that, well okay that there are some
22 biological indicators that are used. Mussels, for example,
23 are collected. And we examined metal loads and other
24 things in mussels as indicator organisms of a problem.
25 And various kinds of bioassays have been developed.

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1 Urchin fertilization, kelp gametophyte and sporophyte
2 growth.

3 But what programs do we have in place to
4 actually look at changes in the populations, sizes,
5 community structure and functioning of the waters that
6 are receiving all of this, where most of these guidelines
7 are in place in order to protect those resources? And
8 the answer is, if you look around, hardly most places
9 are not being looked at. Nor do we have, nor have we
10 developed the population or community indicators that
11 are essentially the ultimate test of why we're trying
12 to clean up the non-point source runoff in to coastal
13 waters.

14 So I would argue that there needs to be more
15 attention to the various populations and communities
16 that are in receiving waters that link the watershed
17 with the wet side. And that there needs to be more vision
18 with regard to how we learn about how the things we're
19 doing are in fact making these changes that are in the
20 ocean. I think there's a big gap there.

21 I also would, I have a little gripe I'd like
22 to throw out on the table that may, may fall back in
23 to Max's category about there not being barrels full
24 of money. And that is that, I would submit that in a
25 typical sort of coastal situation, let's say a hotel

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1 is going to go up on a surrounding coastal scene. In
2 California that's going to, of course, trigger an
3 environmental impact effort. And that environmental
4 impact effort will cost a barrel of money or so. And
5 it will produce information that's really of dubious
6 long term use with regard to understanding the actual
7 implications of that development for the biological
8 populations and communities that are on the wet side.

9 Even though that coastal hotel is going to have impacts
10 there.

11 In other words, we do this and
12 we make a prediction about what the impacts will be.
13 And we spend a bunch of money to do that. We learn very
14 little from it other than to either approve, or disapprove,
15 or modify the project. And there go the barrels of money.

16 And wouldn't they be better spent by, in some way
17 channeling some of those funds in to following what happens
18 after the hotels in place so we can at least learn what
19 the repercussions of that particular development were?

20 So I would then argue that we need to look
21 at ways to take money we're spending that we're not learning
22 a lot from, but we are using to meet certain requirements
23 and spend that money in a better way to actually learn
24 from some of the coastal zone management perturbations.

25

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1 MS. WIETING: Yes.

2 DR. CRUICKSHANK: Mike Cruickshank from
3 Hawaii. I have a couple of issues which are not
4 particularly coastal or MPA, but they may be related
5 in some way. It's my understanding that NOAA still has
6 authority under the Deep Seabed Habitat Resources Act
7 to observe what's happening or to be involved with deep
8 seabed mining. And they, this time of course the United
9 States has not ratified the International Seabed Authority
10 or the law of the sea. So this is a important aspect
11 of it. NOAA should be looking at to readdress the whole
12 issue of deep seabed mining and the law of the sea.

13 And where there is, approach is related to
14 coastal is that everything like, that involves deep seabed
15 mining has to come ashore somewhere. And this involves
16 enormous infrastructures. And so this again should be
17 looked at because it's part of the whole coastal issue.

18
19 And with regard to marine protected areas,
20 there are deposits of minerals which are mostly in
21 international waters. But also within our exclusive
22 economic zone which have very important biological effects
23 that probably need to be looked at again. Such as the
24 polymetallic sulfide deposits which are occurring off
25 the coast of Oregon and which have very sensitive, I

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1 believe, environmental issues. Right now, these things
2 are being studied internationally. There are planned
3 mineral deposits, excuse me, planned mineral activities
4 on such deposits off the coast of Papua, New Guinea,
5 and off Fiji, and off, some of the other islands.

6 Now the United States has enormous exclusive
7 economic zones around the Pacific islands. And some of
8 these zones may also have some of these metal deposits
9 or mineral deposits. And associated with those are some
10 of these very highly sensitive biological deposit areas
11 that the, these are the upbringing depositing of minerals
12 in pinnacles, and hot springs, and such as that.

13 So anyway, my main issue is that, could these
14 things be readdressed because the Deep Seabed Habitat
15 Resources Act has been in abeyance for the last 20 years.

16 And we start to dig it back up again and have a look
17 at the United States responsibility in supporting the
18 law of the sea which at the present time we have no say
19 in anything to do with the law of the sea which covers
20 across the whole ocean. And it's, it is, the other thing,
21 I believe, that the U.S. get more re-involved with that
22 whole issue of the International Seabed.

23 MS. WIETING: So what you might be suggesting
24 is for us to take a look at some of these other statutes
25 that, that may not necessarily be under or other issues

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1 that are not necessarily right under the CZMA, but to
2 see how they might impact or how, making sure there are
3 some sort of connection there?

4 DR. CRUICKSHANK: Yes. That the various
5 issues are readdressed just to see where we stand. This
6 is now 20/30 years later. And maybe we should be looking
7 at that, to see what we're talking about the next 20
8 years anything could happened between that time. We ought
9 to be prepared. Thank you.

10 MS. WIETING: I'm sorry. Mark, go ahead.

11

12 CHAIRMAN HIXON: Mark Hixon. Oregon. I'd
13 like to actually move on to the other questions, given
14 the time restraints. But I personally want to emphasis
15 and echo what Bob Bendick had to say. As an environmental
16 scientist, marine scientist, I've been very closely
17 following the peer review literature, regarding ocean
18 warming and ocean acidification, as far as that goes.

19

20 And the IPCC predictions of a maximum of
21 about .6 meter sea level rise, currently during this
22 century, which is substantial and huge in terms of coastal
23 erosion. Is actually a gross underestimate based on
24 recent assessment of the rate of which ice is melting
25 around the world especially the Greenland icecaps. So

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1 we can expect huge increases in sea level, in terms of
2 erosion and loss of coastal regions, over this century.

3 And if that's not under coastal management, I don't
4 know what is. That is a freight train that's coming.

5 And the sooner that is addressed in realistic terms,
6 the better it's going to be for this nation and most
7 of the world, as far as that matters.

8 Even in Oregon, my state, which has a fairly
9 high coast line, one half of the coast is actually currently
10 rising a little faster than sea level rise because of
11 our volcanic activity. But the other half of the coast
12 is sinking. So we're going to have trouble everywhere
13 not just the east coast. Thanks.

14 MS. WIETING: Yes. Let me, let me go ahead
15 and move on to the next discussion question. But I didn't
16 really hear any of you really talk to much about MPAs
17 and about whether there's a linkage between MPAs and
18 the Coastal Zone Management Act. So I don't know whether
19 you like it just the way it is or whether you have any
20 ideas about that. We'd like to hear more about that,
21 if there is a, if there is a way for some integration
22 or not.

23 MR. ZALES: Yes. Bob Zales. I don't know
24 how you, how you do it, but I would suggest at least
25 better coordination. Because clearly and this is one

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1 of my pet peeves, clearly when MPAs are established in
2 federal waters, a long way from the coast, and in many
3 cases they're done for specific spawning aggregation
4 and thinks like this. They're clearly if, if the fish
5 are going to spawn and produce larva and eventually produce
6 a baby fish. The baby fish grows up near the coast in
7 grasslands and stuff like this. So the coastal zone
8 management stuff especially with the amount of development
9 that's going on now with runoff and everything else clearly
10 effects us. And in my mind, there's no purpose in
11 establishing an area offshore, if you're not going to
12 protect what it produces. Because it does no good to
13 produce things that can't grow up. So in that kind of
14 area, but I don't know what kind of authority you would
15 have to do whatever. But at least you could coordinate
16 so that the project is going before this whole process
17 is to be permitted or not. Those considerations can be
18 taken in to account.

19 MS. WIETING: Yes. Yes, sir.

20 DR. SUMAN: Daniel Suman from Florida. One
21 easy way to link MPAs would be to, in amending the CZMA
22 would be to have a requirement for a group state coastal
23 management plans which would require the states to define
24 marine protected areas, to lay out the state's effort
25 regarding MPAs, and the, have the state, state declare

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1 the importance of MPAs in the state coastal management
2 plan.

3 MS. WIETING: Thank you. All right. I don't
4 see any other hands. Let me go ahead and move on.

5 I'm sorry. Go ahead.

6 DR. MURRAY: Federal integration,
7 coordination, and more rapid response.

8 MS. WIETING: Okay. We'll get back to you
9 on the details on that. All right. So my second
10 discussion question has to do with integration with other
11 state and federal legislative initiatives. And we talked
12 a little bit about the importance of that. But are the
13 -- do you have any ideas on this, any specific areas
14 that you think are particularly missing? Talked a little
15 bit about regional governance and, and how we might want
16 to link the federal and regional efforts. But I want
17 to get in to a little bit more of your thinking about
18 that. Specifically, you know, is there a, more of a role
19 between CZMA and Fishery Management Counsels, for example?
20 Is there more of a role between certain legislative
21 structures that maybe don't exist now? National Historic
22 Preservation Act being one of them. I know you all been
23 talking about cultural heritage. Any thoughts on this
24 part of the discussion? Yes.

25 MR. ZALES: Yes. I would think so and Mary

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1 can straighten me out on this, but right now, like with
2 the Gulf Counsel I don't think that there's a position,
3 be it non-voting, for Coastal Zone Management. I mean
4 you've got fish and wildlife and you've got some other
5 things. But I suspect that's done because essentially
6 federal waters are not on the coast, so they don't have
7 anybody there. But clearly there's an impact here. And
8 there should be some coordination. And whatever a counsel
9 may do somewhere, could be effected somehow, over time,
10 by what happens in Coastal Zone Management.

11 So, you know, maybe you all need to look
12 at trying to see if you all can provide like a liaison
13 just to sit and listen and see what's there. And that
14 way, at least, you would be involved and be better
15 coordination of, you know, within the agency and the
16 whole bit as to what's going on. Because clearly what
17 happens on the coast will eventually effect what happens
18 offshore.

19 MS. WIETING: My understanding is on a
20 state-by-state basis, it varies. So that in some states
21 the fishery managers are either co-located or within
22 the same organization as the coastal zone managers. In
23 many states they're not. So it's at the state level that
24 they have their own issues on integration and being able
25 to talk across programs. Ralph, I know you

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1 were in the Florida in the sate of Florida Program. How
2 did, how does all of that relate? MR.

3 CANTRAL: Well we ended up suing NOAA over --

4 (Laughter.)

5 -- over lack of coordination on fish
6 management plans in the federal waters. Not coordinating
7 with the state. And so there's lots of room for
8 coordination there.

9 MR. PETERSON: In your examples here of
10 coordination or support, there's a lot of places where
11 there's either state or federal public land that occupies
12 the substantial parts of the coastal area. That would
13 seem like that would provide opportunities both to
14 interpret what's happening in educational efforts. As
15 well as, to explain the interplay between those. And
16 I would see that as a, as an opportunity for cooperation.

17 That maybe you intended to list that under examples
18 here. But there's, particularly there's state level
19 wildlife management areas, there's federal public lands,
20 there's all kinds of. Some places there's local community
21 owned land that's within the coastal zone area,
22 particularly in New England.

23 MS. WIETING: So you're using that as a
24 mechanism to, as you said, an outreach education, but
25 also as perhaps commenting on planning or those sorts

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1 of things.

2 MR. PETERSON: Well they're, they're not just,
3 maybe even working together on the plans.

4 MS. WIETING: I see.

5 MR. PETERSON: Instead of just commenting
6 on the plan. Maybe there's ways to facilitate our public
7 education outreach efforts.

8 MS. WIETING: Yes. Yes, Robin.

9 CAPTAIN BRAKE: This is the first time I've
10 talked. Coastal America I'd recommend as a public
11 outreach mechanism. And I'm wondering, you know, right
12 here in our own backyard we have Chesapeake Bay Program.

13 And they've surely got some lessons learned that could
14 be adopted. And then there's a number of interstate
15 watershed bodies like the Potomac River that's interstate.

16 And I would think there would be lots of lessons learned
17 with multiple agencies there too.

18 MS. WIETING: Ralph, what -- you were saying
19 that how many watershed organizations are there?

20 MR. CANTRAL: They told us yesterday, over
21 4,000.

22 MS. WIETING: Some that's, some of that's
23 federal. Some of that's state. Some of that's private.
24 Through there, there are a whole lot of watershed
25 organizations out there that may have different scopes

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1 or focus. But certainly it could be some sort of an
2 integrating body, or piece, or I don't know, someday
3 to work better together. Yes.

4 DR. SUMAN: Does OCRN currently have any
5 regional structure?

6 MS. WIETING: Well yes, we do. As part of
7 the broad -- well, in a couple of ways. We do as part
8 of the broader NOAA effort to have some regional. It's
9 not a structure in the same sense as EPA has regional
10 offices. But certainly where we have a number of our
11 staff. And Mary can talk to this a lot better than I
12 can. Throughout NOAA that are all around the country.

13 And so NOAA is trying to bring, bring those folks together,
14 in a more cohesive way, so that we can better share
15 information, better do some, some integrated planning
16 and coordination together. So OCRN plays as part of that.

17 We also have some of our folks in different parts of
18 the country that participate on different regional bodies
19 and organizations.

20 DR. SUMAN: So will the ERF sites, do the
21 managers of the ERF sites, do collaborate in the regional
22 effort? Is that correct?

23 MS. WIETING: The -- somebody's going to have
24 to help me on this, but from I understand the Estuarine
25 Research Reserves themselves, they're part of the broader

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1 organization, the association. And I think depending
2 on how, how they're -- where they're located, they may
3 to a greater or lesser extent work in a regional focus.

4 Can you elaborate on that Ralph?

5 MR. CANTRAL: I don't think they don't work
6 as much on the regional basis as they used to. It used
7 to be a fairly formal structure where there was a Gulf
8 and South Atlantic Region, or something. Now it's much
9 more thematically based so that the research coordinators
10 across the system meet together, the stewardship
11 coordinators, education folks, things like that. We do
12 have regional meetings for both the reserves and the
13 state coastal programs each year. So that we do get the
14 folks together at least once a year for a meeting.

15 DR. SUMAN: And then there is no formal
16 mechanism whereby the coastal management, coastal
17 management director of Georgia could coordinate with
18 Florida and Alabama for instance?

19 MS. WIETING: Well, would the coastal
20 managers they, they are part of the Coastal States
21 Organization. So they have their own organization where
22 that's where they do a lot of their coordination,
23 collaboration, that sort of thing. But again I think
24 it really is a state-by-state basis on how much they
25 work together. There's just not a formal, you know, a

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1 functional orb chart or whatever where, where they work
2 together as a as a matter of approval.

3 DR. SUMAN: I think it would really be
4 worthwhile thinking about a regional coastal management.
5 Let's say, well you name the commissioner or counsel.

6 MS. WIETING: I see.

7 DR. SUMAN: Which would also, could also bring
8 in different public groups, private, you know, NGOs or
9 industry groups, along with the CZMA state people.

10

11 MS. WIETING: Okay.

12 DR. SUMAN: And this might actually help to
13 build in to the regional ocean counsel, proposed regional
14 ocean counsels.

15 MS. WIETING: Before I take the next question.
16 Mary did you want to comment at all on the regional?

17 MS. GLACKIN: Well I was going to comment,
18 but Dan went pretty far on his. But just to put maybe
19 a little finer point on it. I think it is a question
20 as we move forward here. Is this, in coming back to the
21 point I think that Bob made about, you know, how to improve
22 coordination. There's a lot of things that we're trying
23 to do, to get us to what the Ocean Commissions have told
24 us about adopting an ecosystem approach to management.
25 And I think a question on this point here is, is this

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1 a proper vehicle with the right definition here, to try
2 to foster a more formal regional collaborative body that
3 could be doing some goal setting and things like that?

4 And is that a proper role for the U.S. Government to
5 be in, to do that? So, you know, in my mind that's one
6 of the issues with this legislation.

7 And I'll just take another second because
8 Donna gave me an entree. One of the things in your handout
9 book, your handout, the yellow folder you got is a set
10 of papers that describe NOAA's efforts to better organize
11 itself to respond to all of the challenges we're seeing
12 at the regional level. Parts of NOAA, notably the Fishery
13 Service and the National Weather Service have a former,
14 formal regional structure. But we feel that we've been
15 very much driven because of issues like regional ocean
16 governance and all to better organize our assets to respond
17 to them. So those papers that are in your thing, kind
18 of describe the effort. And there's a website there.

19 It's very much, we're in the initial stages of this.

20 And we're kind of learning by doing. So very welcome
21 for feedback.

22 And we, we will be inviting
23 external partners in to our planning teams and all. We're
24 just not, we're almost there to be sending those kinds
25 of letters, but we're not quite there yet.

MS. WIETING: Yes, sir.

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1 MR. BENDICK: On this same topic, the
2 Governor's Alliance for the Gulf of Mexico new organization
3 is really thinking hard about these same issues, but
4 engaging both state and federal agencies in that. And
5 I strongly recommend their -- they have a meeting coming
6 up in a couple months that might be an appropriate place
7 to talk to the right people about this. Bill Walker,
8 the Marine Resources Director of Mississippi, and Governor
9 Barber is the Chair of the Governor's Alliance. Would
10 be a good contact person. And I think their perspective
11 on just exactly these issues would be very valuable.

12 MS. WIETING: That's a good suggestion.
13 Yes.

14 CHAIRMAN HIXON: Returning to what to what
15 Mary just said and others. I, as a marine environmental
16 scientist, the key issue in my mind regarding authorities,
17 conflicting authorities, overlapping authorities is to
18 cooperate in such a way that the spacial and temporal
19 scales of management match natural temporal and spacial
20 scales. So if there's a pollutant that starts at the
21 top of the water shed, goes down and comes out in to
22 the ocean and creates issues, those -- all of the
23 authorities involved from the very beginning of that
24 point source all the way out to the ocean have to be
25 involved in some cooperative way. If a species has, as

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1 Bob was saying, an inshore marine habitat area as a nursery
2 area and as an adult it moves out in to federal waters
3 where it's under the jurisdiction of the Fisheries
4 Management Counsel, that has to be a cooperative one.

5
6 So basically, we've got to match what's going
7 on out there in the world. Thanks.

8 MS. WIETING: Any other comments on the
9 integration?

10 (No response.)

11 Okay. And to the last, the last one. And
12 this may be one you may want to go back and think about
13 this as well as the others, and get back to us. But off
14 the top of your head, are there some key constituents,
15 those we may not have thought of? And obviously you don't
16 know who all we thought off. But those that might be
17 outside the normal realm that we should be aware of,
18 that we should be trying to talk to in making sure that
19 they're part of this effort. Yes, Tundi.

20 DR. AGARDY: Specifically the MPAs in our
21 committee. But, you know, there is a growing movement
22 now to engage the private sector in kind of protected,
23 protection of ecosystem services markets in the coastal
24 zone. This is, you know, growing out of some of the
25 terrestrial work that's been done with some great success.

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1 And again, this is one of these new developments that
2 I think the federal agencies should not only be tracking,
3 but should be willing partners with a private sector
4 in developing mechanisms to, to encourage the business
5 community to invest, to, you know, look for ways to keep
6 the markets going and active and that kind of thing.
7 So that's, that's I think a constituency that is currently
8 probably under represented. I know that you have, you
9 do a lot of work with Chambers of Commerce and other
10 kinds of segments of the business community. But this
11 is a specialized kind of verified part of the private
12 sector that I think needs to be better engaged.

13 MS. WIETING: Yes, sir.

14 MR. ZALES: In your presentation, you had
15 one slide up here that talks about stakeholders and industry
16 and environmental groups. I'm assuming industry would
17 be recreational fishing and commercial fishing.

18 MS. WIETING: We've actually -- let's see,
19 I'm trying to remember in our group of 20, who our industry
20 groups were. Did we have any fishing organizations at
21 that?

22 MR. CANTRAL: Yes. We had, well Atlantic
23 States Marine Fisheries, come.

24 MS. WIETING: So we had the state just, but
25 that was just --

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1 MR. ZALES: Was that the Interstate Fishery
2 Commission, and I would argue that they don't always
3 necessarily factually represent recreational fishing.

4 So I would encourage you to, in doing that. And I'll
5 --

6 MS. WIETING: That be good.

7 MR. ZALES: -- and I'm president of a National
8 Charter Boat Association, we represent 3,500 charter
9 boat owners throughout the country. So we would
10 definitely be interested. And I would encourage you to
11 use groups like CCA, and RFA, and some of those other
12 recreational. The part on the commercial side, I'm sure
13 there's a lot of commercial people that will provide
14 that information to you too. But I would think that they
15 could. And I know we would be interested in providing
16 advice and staying in touch.

17 MS. WIETING: And I hope that when you head
18 back that you will let your constituencies know about
19 the upcoming stakeholder meetings and encourage them
20 to participate and come if they can, to provide some
21 of that input there. If not additional meetings that
22 we'll be having along the way, so.

23 MR. ZALES: If we could get on the list --

24 MS. WIETING: Yes.

25 MR. ZALES: -- provide that information --

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1 MS. WIETING: Okay.

2 MR. ZALES: -- we email on a regular basis
3 to notify people, we have a quarterly news letter.

4 MS. WIETING: Okay. Will do. We will do
5 that. Yes.

6 MR. BENDICK: I would suggest that you maybe
7 look at non-governmental organization and private
8 organizations that had a long history of working with
9 landowners, and using technical and financial incentives.
10 Bob Bendick's in Nature Conservancy. There's Public
11 Land Trust. There's the Farm Bill, for example, has all
12 kinds of incentives in it, that are, that have been very
13 effective. So other areas, other than coastal areas,
14 where they've used these techniques to conserve land
15 might work just as well in the coastal area because they're
16 designed to appeal to private land owners. Okay.

17 MS. WIETING: Yes. We've got a pretty,
18 pretty good relationship with a number of the Land Trust
19 particularly because of one of our Land Acquisition
20 Programs. But there may be some others out there that
21 we should be more involved in.

22 And the other point that you brought up on
23 the agriculture community. We do plan on meeting with
24 the Department of Agriculture and hopefully getting maybe
25 some ideas from them on folks to talk with, that are

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1 outside of the federal system.

2 MR. BENDICK: But outside of the key
3 constituents of the coastal management area there are
4 a lot of them. Okay. Thank you.

5 MS. WIETING: Yes. Yes, Jim.

6 DR. RAY: Yes. Jim Ray. In -- as you move
7 towards re-authorization will there be a very thorough
8 review done of consistency and the good parts and the
9 bad parts, over the years, to see if there's any way
10 that that can be tweaked and approved once it's
11 re-authorized?

12 MS. WIETING: I think that consistency is
13 going to be one of, one specific topic that we're going
14 to want to really, I think I mentioned the national
15 workshops that we're looking at, I mean that's one where
16 we've really got to get a lot of people together and
17 go through the details of it and really talk it out before
18 we look at changes or how we might modify that. So I
19 definitely think that will be one of the, one of the
20 topic focused meetings that we'll have. All right.

21 DR. MELZIAN: Brian Melzian, EPA. One
22 organization that's really making a major move on a national
23 basis now, in influencing the budgets of NOAA and others,
24 is the National Association of Marine Laboratories. There
25 are three regional associations, of which I'm on the

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2 Association, and the Marie Great Lakes Laboratories,
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5 120 institutions nationwide. Federal and academic.
6 Approximately 10,000 scientists. So I'll send you some
7 information --

8 MS. WIETING: That be great.

9 DR. MELZIAN: -- about our website, the list
10 of institutions, how you can link to their websites and
11 also linking the Public Policy Committee of this
12 organization.

13 MS. WIETING: Great. Thanks. All right.
14 Oh, sorry.

15 DR. SUMAN: Just wanted to check insurance
16 banking, relators. Those are all your traditional --

17 MS. WIETING: Yes. Actually we, we did have
18 someone from the insurance industry at our most recent
19 meeting. But we certainly know that, that's a group,
20 going to some of Tundi's points that, you know, they're
21 certainly looking at restructuring on coastal development.
22 And so we need to be linked up with them. So very good.
23 Okay.

24 Thank you very much again for your time.
25 And as I said this is, you know, just the beginning of

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1 a discussion. As you think about things, please email
2 us. Let us know if you want us back to talk about something
3 in more detail. We're happy to do that. And look forward
4 to hearing more great ideas from you all as we move through
5 this process. So again appreciate it.

6 CHAIRMAN HIXON: Thank you very much, Donna.

7 Okay. Before we break at 2, picking up where Terry's
8 comment left off. It would be really wonderful if we
9 could reach some consensus, on some of these things,
10 and leave at 2 o'clock with a wonderful sense of completion.

11

12 So what I propose that we do is, start with
13 the easiest bits first and see how far we get, one step
14 at a time reaching consensus. Starting with Ad Hoc
15 Subcommittee C2, Priority Objectives for Cultural
16 Heritage. That nicely complete document received no
17 questions whatsoever or comments from the committee.
18 So unless there are objections, I suggest that we adopt
19 that one as our first product of this meeting.

20 MS. GOETHEL: Do you need a motion?

21 CHAIRMAN HIXON: Yes. Let's do it, let's
22 do it formally since we have the Board here. Okay.
23 Parliamentarian, somebody want to make a motion to adopt
24 --

25 PARTICIPANT: Motion from the Subcommittee.

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1 CHAIRMAN HIXON: What?

2 PARTICIPANT: (Speaking off-mic)

3 CHAIRMAN HIXON: That sounds good. That
4 sounds good. Would Ad Hoc Subcommittee C2, Priority
5 Objectives for Cultural Heritage like to make a motion?

6 MS. GOETHEL: You want me to make it?

7 CHAIRMAN HIXON: That's not a motion.

8 MS. GOETHEL: I know. I'd like to make a
9 motion to accept the recommendation of Subcommittee C2
10 as, as proposed.

11 PARTICIPANT: So moved.

12 MS. GOETHEL: Do I have a second?

13 PARTICIPANT: Seconded.

14 CHAIRMAN HIXON: Motion has been made and
15 seconded. Are there, is there a discussion? Charlie.

16

17 PARTICIPANT: (Speaking off-mic)

18 CHAIRMAN HIXON: I believe the MPA Center
19 can probably deal with that, with that particular issue.
20 Yes.

21 MR. PETERSON: I've got a big blank piece
22 of paper on C2 by the way. Why don't you pass it around.
23 Go ahead.

24 CHAIRMAN HIXON: Call the question. Okay.
25 All those in favor say, aye.

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1 (Chorus of ayes.)

2 CHAIRMAN HIXON: All those opposed say no.

3 DR. RAY: No. I just wanted to do it and

4 --

5 (Laughter.)

6 CHAIRMAN HIXON: Since this is a formal
7 proceeding Dr. Ray, I'd like to know whether your no
8 stands or was in jest?

9 DR. RAY: That was in jest.

10 CHAIRMAN HIXON: So the motion, the motion
11 passes unanimously. Excellent. Excellent. We didn't
12 even need a Parliamentarian. Okay. Which -- what I'm
13 wondering is which of these five subcommittees or the
14 remaining four subcommittees is closest to its final
15 form.

16 PARTICIPANT: How about the National System
17 MPA Category Table?

18 MR. PETERSON: The category table is pretty
19 close.

20 CHAIRMAN HIXON: Okay. I'm hearing THAT Ad
21 Hoc Subcommittee A feels close.

22 DR. MURRAY: Okay. I'm going to try
23 something here.

24 MR. PETERSON: That wouldn't be smart.

25 DR. MURRAY: So we see it, we really have

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1 consensus on everything except for the text under the
2 reserve area designation.

3 MR. PETERSON: right.

4 DR. MURRAY: And the issue there was this
5 issue of destructive disruptive activity. So how about
6 this, that the text would read, "No extractive uses
7 allowed," that maintains the bright line that David
8 referred to, "except permitted scientific uses;
9 destructive or disruptive activities limited; uses and
10 activities may be restricted or zoned and access limited,
11 as necessary, to meet site management goals." So that
12 adds the other component that folks have brought up.
13 That's just a trial balloon.

14 CHAIRMAN HIXON: Okay. Let me, let me repeat
15 that if, just as somebody who's just listened to it,
16 to see if I've got it. What I'm hearing is, so this is
17 under each of the Reserve Area Categories in the far
18 right hand column under use and protection. This is what
19 I heard. Correct me if I'm wrong. "No extractive uses
20 allowed except permitted scientific uses; destructive
21 or disruptive activities limited; and then other uses
22 and activities may be restricted." And I believe you've
23 already added "or zoned". Right? "Restricted or zoned.
24 And access limited as necessary to meet site management
25 goals." Is that correct?

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1 DR. MURRAY: Okay. One, just one, one
2 difference. You said other uses and I think the "other"
3 can go now. "That uses and activities may be restricted
4 or zoned."

5 CHAIRMAN HIXON: Okay.

6 PARTICIPANT: Can we put that on the board?

7 MR. KELSEY: Yes, if you tell me what to add
8 here. This is what we're talking about right?

9 DR. MURRAY: Right. So what we're doing
10 now ,is to say, I think we have consensus on everything
11 but this text. And we argued in our group. And I think
12 most of us in our, well in our group, we hold the view
13 that we need to hold a bright line between what we called
14 a Conservation Area and Reserve Area. And that bright
15 line involves the extractive uses. The discussion
16 yesterday and today revolved around, what about these
17 other kinds of harmful or damaging things? And so by
18 adding in the clause "Destructive or disruptive activities
19 limited," that may well address that.

20 Joe brought up the issue of zoned. So we
21 now have "Uses and activities may be restricted, or zoned.
22 And access limited as necessary to meet site management
23 goals."

24 So if we're going to finish this, we should,
25 we should hopefully have significant departure,

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1 significant issues with what that text is. Otherwise
2 we're not going to make a consensus today.

3 CHAIRMAN HIXON: Okay. There's a question
4 up here, Steve, about the the final phrase in this "as
5 necessary to meet site management goals." Should that
6 also be included under this second clause "destructive
7 or disruptive activities limited"?

8 DR. MURRAY: No.

9 CHAIRMAN HIXON: Okay. Okay. So I didn't
10 hear what you were just saying. Does this capture all
11 the wording as you're presently proposing it?

12 DR. MURRAY: I think, I think that that has
13 everything in it. There's only one, one other point that
14 was brought up that we don't have captured in there.
15 And that would be, this could read "except permitted
16 scientific and educational uses." I heard someone offer
17 that.

18 MR. PETERSON: Yes. We had that this morning.

19
20 DR. MURRAY: And "scientific and permitted
21 scientific and educational uses."

22 MR. PETERSON: Correct.

23 DR. MURRAY: That means, the intent here is
24 that, there's a permit for those uses.

25 MR. PETERSON: Correct.

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1 CHAIRMAN HIXON: How about "except
2 scientific and educational uses by permit"?

3 DR. MURRAY: I like that better.

4 CHAIRMAN HIXON: Okay.

5 DR. MURRAY: And that relates to the
6 extraction. Part of that clause.

7 CHAIRMAN HIXON: Okay. I'm sorry. Tundi.

8 DR. AGARDY: I have a question. I don't have
9 any problem at all with the wording or the concepts.
10 But I wonder what the fate of this document is because
11 I think Jonathan when he made the presentation yesterday
12 talked about the need for the committee to apply itself,
13 the categories, in order to be able to explain to the
14 country what we have here. And this is very complicated.

15
16 And, you know, I reminded of the situation
17 in Italy where the Italians wonderfully have three kinds
18 of zones within their MPA. And it's understood by all.
19 Their Go Zones, their Go, No Take Zones, and their No
20 Go, No Take Zones. So this is something that the public
21 can understand. I'm not sure that the public could
22 possibly understand what we're talking about here unless
23 we make very specific examples of what we mean. Extractive
24 uses, no fishing, no, you know, that kind of thing, no
25 mining. I mean, is this going to be a public document

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1 for kind of public education and outreach or?

2 CHAIRMAN HIXON: My understanding is that
3 this will go to forward to the secretaries like we normally
4 send it forward. And the MPA Center will then use this
5 information however it sees fit. I doubt if this specific
6 document is going to become something that's showcased.
7 Is -- could you clarify that Joe?

8 MR. URAVITCH: I think we use it to the degree
9 we can. You're right. I mean we have to, it has to make
10 sense to the public. But I think what we do agree is
11 that the concept of the three types of areas and then
12 the two subsets underneath that, simplify things enough
13 to explain the things in a general way to people. And
14 that's really what we're trying to get is, some consistent
15 understanding. I mean, it's a lot simpler than a longer
16 list of things.

17 CHAIRMAN HIXON: Okay. Max.

18 MR. PETERSON: I think both Dan Bromley and
19 I had a problem with just the one bright line of, no
20 extractive uses. It seems to me like the concern is for
21 destructive or degrading uses. For example, I can think
22 of a reserve area that might allow limited fishing. And
23 it can still be a Reserve Area. The fishing -- well why
24 couldn't it be? Why couldn't it be?

25 CHAIRMAN HIXON: See the problem I'm seeing

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1 in that, Max --

2 MR. PETERSON: Yes.

3 CHAIRMAN HIXON: -- and I think why people
4 are saying no, is that then necessarily is, by definition,
5 a conservation area, as defined in this table.

6 MR. PETERSON: Well okay. But the problem
7 is, I'm having trouble understanding why we sort out
8 just the one thing. It says, "no extractive uses."
9 Because I think that will come back to bite us, that
10 there will be something there that somebody will consider
11 an extractive use. Many recreational uses, people
12 consider extractive uses. So I'm not sure unless you
13 -- anyway I would feel much more comfortable if we said,
14 "no extractive or destructive uses." Or something like
15 that rather than just one bright line. Okay.

16 CHAIRMAN HIXON: Okay. Thank you. I've got
17 Tony, and then Steve, and then Mary.

18 DR. CHATWIN: I just need some clarification
19 what "destructive and disruptive," mean.

20 CHAIRMAN HIXON: Okay.

21 DR. CHATWIN: So I -- to be able to decide
22 --

23 CHAIRMAN HIXON: Steve. DR. MURRAY:
24 Well that's one of the reasons why we were avoiding that
25 earlier on. Dan used the word "harm." What does harm

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1 mean? Who's being harmed? Who's not being harmed?
2 Remember this is a marine natural heritage type of MPA.
3 And the function of this Reserve Area is to strongly
4 protect marine natural resources. And the bright line
5 is, you strongly protect them, if you don't extract them.

6
7 The destructive or disruptive, I think those
8 terms are going to have to stand as they are. Otherwise
9 we're in to a whole long list of what might fall in to
10 those categories. Now there could be examples given,
11 as the MPA Center develops and uses this. But, you know,
12 this, this can't be so -- we can't have pages of text
13 here. This is to try to reduce this down in to tabular
14 form. And I think that a destructive activity would be
15 something like turning the bottom over with -- or a
16 disruptive activity might be loud sounds. You can, you
17 can put this into a whole variety of context. But somebody
18 is going to have to sit down and determine what is the
19 threshold, in terms of the impact there for destructive
20 or disruptive.

21 CHAIRMAN HIXON: Thank you. Mary.

22 MS. GLACKIN: Back on the extractive uses.
23 It's really obvious, I think, but let me just state
24 it, that when the no extractive uses that applies to
25 what's being protected there, not everything in the reserve.

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1 So people understand that. Right?

2 CHAIRMAN HIXON: That's my understanding.

3 MS. GLACKIN: Well people in the working group
4 I was in this morning, understand it, but now it sounds
5 like everybody doesn't. And I think, you know, at one
6 point the working group had actually put in, you know,
7 if I looked up under natural resources -- yes the specifics
8 like no extractive, you know, I forget how we did it.

9 But actually quoted what it was no. So it's not like
10 everything in the reserve can't be extracted. It's what
11 you're protecting. Well that -- am I wrong?

12 CHAIRMAN HIXON: My understanding is that
13 may be the case that everything -- there is no extraction
14 whatsoever no matter what, depending upon the rules and
15 regulation applying to that site.

16 MS. GLACKIN: That may be.

17 CHAIRMAN HIXON: Yes.

18 MS. GLACKIN: That may be.

19 CHAIRMAN HIXON: I can imagine, for example,
20 a sustainable production reserve area where there is
21 no extraction allowed of a specific species of fish and
22 anything else is a free go. I can imagine that.

23 MS. GLACKIN: Well I guess --

24 CHAIRMAN HIXON: Let's clarify.

25 MS. GLACKIN: Yes.

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1 MR. BENTON: You could, for example, extract
2 by permit for scientific purposes. I mean there are --
3 when you say "no extraction" it's not quite that. But
4 --

5 DR. MURRAY: All right. So, we, we tried
6 to as Mary pointed out, you know, we tried to be a little
7 more specific here. But we got in to trouble because,
8 okay, no extracting living resources or natural resources.
9 That that would work here.

10 What about sustainable production reserves?

11 No extracting sustainable production resources. Well
12 what about the biological, geological or other features
13 associated with the habitat which we realize are very
14 important to protecting the sustainable production
15 resources.

16 So the only way this would work would be,
17 if we did interject the term, "no extractive uses of
18 natural resources here." And I think David would have
19 to go on the sustainable, the same terminology. Natural
20 resources would go in the Sustainable Production Reserve.

21

22 However, our folks over here who are handling
23 the cultural materials would say, "Well, you know, even
24 this is an area designated for marine natural heritage,
25 there may well be some significant cultural materials

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1 in there. Are they to be protected or not? And how does
2 that go under the classification?" So we went all around
3 on that and came back to, no extractive uses.

4 CHAIRMAN HIXON: Okay. So the intention of
5 the subcommittee is blanket, no extractive uses. Is that
6 correct?

7 DR. MURRAY: Correct.

8 CHAIRMAN HIXON: Okay. Thank you. Except
9 as noted.

10 DR. MURRAY: Yes. Everybody on the
11 subcommittee agree with that?

12 MR. ZALES: Well, now I -- because I see both
13 sides because I understand what Max, where Max is headed.
14 And I thought I understood what you already clarified,
15 but now I'm confused again. Because where it says, if
16 no extractive uses allowed, if that's going to be for
17 everything in there, unless everything in there is
18 identified as to what you're trying to protect, then
19 I could see to where you would say, "Well, okay, we're
20 going to protect one thing out of these five. This is
21 what our intention is which is a natural resource. But
22 the other four are natural resources also." So this would
23 prevent the extraction of those other natural resources
24 which would not be protected. And even though you've
25 got in here, "other uses may be restricted and accessed,"

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1 there's some kind of disconnect between what the intent
2 that I thought I heard is and the other uses. And somehow
3 they need to be connected. I think to clarify this.
4 Because if clearly no extractive uses allowed to me,
5 I can see where that would say you ain't taking nothing
6 out.

7 DR. MURRAY: Can I respond?

8 CHAIRMAN HIXON: Yes.

9 DR. MURRAY: Okay. So in the situation you
10 described would make that a Conservation Area. And there's
11 nothing wrong with a conservation areas. Some of the
12 conservation areas are going to have a very high level
13 of protection. But to give you an idea I think Rikki,
14 Rikki actually tabulated how many of the existed 1,600
15 MPAs would fall under these designations of Reserve Areas.

16

17 Rikki are you, are you there?

18 CHAIRMAN HIXON: She's here.

19 DR. MURRAY: You are there right. How many?

20 DR. GROBER-DUNSMORE: 139.

21 DR. MURRAY: So 139 of the 1,600 that are
22 out there right now would fall in to this restricted
23 definition.

24 CHAIRMAN HIXON: So you're talking about now
25 reserve areas --

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1 DR. MURRAY: Reserve areas of all three types.

2 CHAIRMAN HIXON: -- under all three
3 categories.

4 DR. MURRAY: Yes.

5 CHAIRMAN HIXON: And that's how many?

6 DR. MURRAY: 139. So the point is, is that,
7 this is a bright line. And 139 of them out there achieve
8 this, this high level of protection. That means the other
9 1,600 minus 139 are going to fall in to the Conservation
10 Area Category which there's going to be a high diversity.

11 I think as Rikki pointed out, some of those have no
12 restrictions whatsoever on extraction. 650 of the 1,600.

13 No restrictions whatsoever on extraction. So
14 actually, I think, the conversation that we're having
15 really revolves around whether you think this, this is,
16 this Reserve Area, 139 of them already out there identified,
17 whether that's a satisfactory sort of requirement. And
18 I think our group would say, "Yes I think it is." It
19 draws a bright line and it distinguishes those.

20 Now we -- I would say we would argue that
21 we can't distinguish the other, however many there are,
22 without going in to multiple categories which is going
23 to do us, is going to get us in to difficulty. We're
24 going to get in, we're going to have the same discussions
25 that on different points of different levels over any

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1 other categorization we would try to have, as we work
2 our way from or through what are the conservation area
3 areas. I think David has been trying to talk here for
4 a bit.

5 CHAIRMAN HIXON: It's important to -- who
6 else?

7 MR. BENTON: You did a good job.

8 DR. MURRAY: I did.

9 MR. BENTON: Yes.

10 DR. MURRAY: Thanks.

11 CHAIRMAN HIXON: So okay. Just again,
12 clarification that these are not legal designations in
13 the sense that this is going to become a legal document.
14 These are broad categorizations to be used by the MPA
15 Center to educate policy makers and the general public.
16 We're not writing a law here. Okay.

17 I've got Bob Bendick and then Randy.

18 MR. BENDICK: I think Steve covered it very
19 well.

20 CHAIRMAN HIXON: Okay. I've got Randy and
21 then Dave Benton.

22 MR. BOWMAN: And I'd just like one further
23 clarification so we understand the product that we're
24 getting. My understanding was that the 139 were areas
25 that had "no take" with respect to fishing. But I don't

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1 know that we -- and what I want to find out is, does
2 the database, in fact show, whether other types of
3 extractive uses are prohibited? Are the 139 just "no
4 take" for fishing or do they prohibit all types of
5 extractive uses? I'm just afraid we haven't met -- I'm
6 not saying there's anything wrong one way or another.

7 I just want to be sure we understand what we got because
8 we may have mis-categorized what our information was.

9 CHAIRMAN HIXON: Sure.

10 DR. GROBER-DUNSMORE: The 139 is for fishing.
11 No take fishing. The 615 are restrictions on extractive
12 activities and fishing.

13 MR. BOWMAN: Yes. All right. In other words,
14 we don't know whether those areas are, I mean I personally
15 know of a handful that don't allow any type of -- the
16 Ecological Reserve in Florida adjacent to the sanctuary
17 and the new monument in Hawaii. Because they are not
18 going to fracture by attempting to pronounce. But other
19 than that I don't know if there are very many no fishing
20 areas that also prohibit any other types of extractive
21 uses.

22 DR. GROBER: That's a --

23 MR. BOWMAN: But they -- I think we're talking
24 a relative handful. So I just want to be sure everybody
25 understands that the 139 do not apply to what we have

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1 in our criteria here. And there may be something in the
2 order of tens, I believe, this would apply to. If the
3 no extractive uses applied to any extractive use. And
4 there's nothing wrong with that. I'm not criticizing
5 it. I just want to be sure some of, those of us I think
6 could use the advice. I'm just saying what we're getting
7 and is that in fact what you intend?

8 CHAIRMAN HIXON: Yes. That would have to
9 be determined still. Thank you, Randy. Dave Benton.

10 MR. BENTON: Thank you, Mark. I think Steve
11 captured the sense of what was, what we're trying to
12 do. And I've, I agree with the concept of what we're
13 doing here is not, you know, statutory language or
14 regulatory language. It's broad and it's general. But
15 I guess I would like a little clarification from Joe
16 or probably from Joe. How -- it's my sense that you're
17 going to have categories. People would nominate MPA in
18 to one of those categories. And you would try and use
19 these categories to park them in some manner. It's not
20 just an educational tool to the general public. But it
21 is also, and you may mess with the words and what not,
22 but you are looking at this as being a way to to sort
23 of categorize and sort out MPAs in different bins if
24 you would. Am I right?

25 MR. URAVITCH: I would say, "Yes but." The

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1 but being that this is, it gets back to communication
2 with the general public versus dealing at the technical
3 analytical level. You want to get down to the technical
4 analytical then we look at the whole categorization scheme
5 that Charlie and company developed. This is really a
6 simplification of that, so that we have some ability
7 to explain things to people.

8 I mean one of the biggest problems that we
9 run across with MPAs over the years is on terminology.

10 You know, what's a sanctuary, what's your reserve, what's
11 a preserve, what's a park, etcetera. And so we're trying
12 to find a substitution for that, that allows us to easily
13 explain to people, not in detail because that's when
14 you get really bogged down, but just generally speaking,
15 you got this and you got that. And, and then keeping
16 it at that simple level. Then we obviously, you are going
17 to get down in to the details when you're dealing with
18 implementation.

19 MR. BENTON: Mark. Just a second.

20 CHAIRMAN HIXON: Sure.

21 MR. BENTON: I understand, I understand what
22 you're saying. But nonetheless, is this a, is this kind
23 of sorting going to be part of your implementation plan?
24 And do these kinds of categories, are you going to go
25 to a finer scale or are you going to ignore this all

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1 together? I'm trying to, I'm trying to get a feel for
2 where this fits in the creation of a national system.

3 Is this part of creating the national system or is this
4 part of selling some other thing that's actually the
5 creating of the national system?

6 MR. URAVITCH: I think it's part of that
7 process to make it simpler to explain. But again when
8 you get down to the details of implementation, then we're
9 going to go a lot deeper so we've got better understanding
10 of what's actually happening.

11 MR. BENTON: Yes.

12 MR. URAVITCH: But somewhere you've got to
13 get some agreement on something that can be understood
14 generally. And that's really what I think this is about.

15 The three themes and then it's really, you know, highly
16 controlled versus significantly less controlled. And
17 that's really what, it's six things you have to tell
18 people about instead of 60. And that's, that's really
19 what it's about. So yes, you'll see maps that will show
20 that. And you'll see analysis that will be based on that.

21 But they'll also be the more in depth kind of work that
22 Rikki and company have been doing.

23 MR. BENTON: Okay. Just one and I'll stop.
24 Okay. Looking at it from outside the MPA Program in.
25 And as somebody that might, for example, work with a

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1 bunch of other folks and nominate a place to be an MPA
2 in the system. Am I going to see something like, that
3 looks like this? It says "Nomination document." And
4 I do that. Or is it going to be something totally different?

5 MR. URAVITCH: It's going to be like this.

6 And Jonathon you had a comment.

7 MR. KELSEY: I wanted to talk about the
8 different pieces of the system that will be made up by
9 it. But at the same time it sets up a structure that
10 we can work with in, with the system, as well. Because,
11 you know, the kinds of technical assistance that a shipwreck
12 site and the Great Lakes might need from a national system
13 is very different from than the kind of technical assistance
14 a spawning aggregation MPA in the Gulf would need. So
15 this allows us some structure to be kind of be grouping
16 folks by what their like needs are, by like, by what
17 their like management structures are, governance
18 structures, kinds of assistance that they need. Those
19 kinds of things. So I mean, it is some way to bring sites
20 in and have some overarching kind of structure to how,
21 how we're organized. And it would trickle down in to
22 that kind of nomination form where you would say, "My
23 MPA fits within one of these categories best. And here's,"
24 you know, "where it should go."

25 CHAIRMAN HIXON: Thank you. Bob Zales.

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1 MR. ZALES: Just to be clear. Of these 139
2 no fishing sites, if I was diving on that site and I
3 found a dead starfish, by this definition, could I or
4 could I not put it in my boat?

5 DR. GROBER-DUNSMORE: No take is no removal
6 of living marine organisms.

7 DR. MURRAY: Right. So it would be, the issue,
8 the issue that we're discussing here now that Randy brought
9 up and that Bob is referring to is, when we have no extractive
10 uses allowed, the classification that they've been using
11 restricts that to living resources. And actually with
12 the new verbiage we put in, which follows that, with
13 the destructive or disruptive activities limited. You
14 know, we really have covered other kinds of extraction
15 activities which would be destructive or could be judged
16 destructive or disruptive.

17 So, you know, if we're going to have trouble
18 coming to grips with this now, our group could come back
19 tomorrow and just deal with that modification of that
20 one issue and be done with it. Because I think that we
21 probably do need to talk about our no extractive uses
22 being specific to, of living marine resources, to fall
23 in to the way that this has been used and would be used.

24 CHAIRMAN HIXON: Well certainly living
25 resources can be inserted instantaneously right now.

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1 But I also have a sense we may not finish today. Jim.

2 DR. RAY: Just as a point of clarification,
3 you know. We're making things more confusing now.
4 Slipping in living resources, etcetera. A reserve is
5 supposed to be your highest level of restriction. Right
6 now, in the Fire Garden Marine Sanctuary you can't remove
7 sand, you can't take a dead conch shell, you can't take
8 a dead piece of coral. Zero. You can't take anything
9 out. Now you can dive there, you can look, you can take
10 pictures. You can't anchor. And that's just a regular
11 old marine sanctuary. And so that's more restrictive
12 than what you're just defining as a reserve a minute
13 ago. And so you're adding a level of confusion when you
14 start throwing in, well, the living resources and stuff
15 like that. Because bottom line is, is that your restrict
16 -- you know, any of those pieces is part of the habitat
17 that made that area unique. So I just wanted to throw
18 that in, as some of the confusion you're throwing in
19 to it, by starting throwing some of those kinds of
20 definitions in.

21 CHAIRMAN HIXON: Thanks for that, Jim. I
22 think, I think the issue really is here is, how do you
23 define, explicitly, the highest level of protection versus
24 all other levels of protection in this, in this, six
25 scheme thing? Okay. Ellen.

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1 MS. GOETHEL: I just wanted to reiterate that,
2 that, you know, we had discussed this a great deal. And,
3 you know, I envisioned this highest priority here the,
4 no take, no extractive uses, means absolutely none. You
5 know, nothing. Whether it's alive or dead. But also,
6 keeping in mind that those areas I assume, will probably
7 be the smallest area-wise, the most distinct and the
8 smallest in number. We want to just have something that
9 we can really protect in this small as possible area.

10

11 CHAIRMAN HIXON: Are we ready to -- oh, Brian.

12 DR. MELZIAN: This is a comment from
13 California system. It's interesting. For State Marine
14 Reserve it's stated, "It is unlawful to injure, damage,
15 take, or possess any living, geological, or cultural
16 marine resource except under a permit or specified
17 authorization from the managing agency for research,
18 restoration, or monitoring purposes."

19 CHAIRMAN HIXON: Okay. So we have two
20 choices. We can either vote on it now and be done with
21 it. Or we -- Subcommittee A can go away and come back
22 tomorrow.

23 MR. O'HALLORAN: I suggest we move forward
24 and try to get a decision. If the subcommittee goes away
25 and revise and comes back, we're going to have, we're

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1 going to have another discussion.

2 CHAIRMAN HIXON: We're meeting tomorrow at
3 8 o'clock. We must have a quorum at 8 o'clock. Steve.

4 DR. MURRAY: I move for approval for the text
5 that is on the board.

6 MR. O'HALLORAN: I second it.

7 CHAIRMAN HIXON: Discussion?

8 MR. PETERSON: The question, Mr. Chairman.

9
10 CHAIRMAN HIXON: Thank you. Yes.
11 Parliamentary.

12 PARTICIPANT: (Speaking off-mic)

13 CHAIRMAN HIXON: I'm sorry?

14 PARTICIPANT: A motion, a call to the question
15 as it moves to limit the day.

16 CHAIRMAN HIXON: Correct.

17 PARTICIPANT: If any I object, it takes a
18 two thirds majority to close the day. You can't just
19 close off on the basis unless somebody calls --

20 CHAIRMAN HIXON: So now, we must vote to close
21 --

22 PARTICIPANT: Or even ask, "Do I object?"

23 CHAIRMAN HIXON: Does anyone object?

24 PARTICIPANT: No.

25 CHAIRMAN HIXON: Thank you, Mr.

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1 Parliamentarian. Okay. This, given that this may not
2 be unanimous I'm going to ask for a hand vote. According
3 to the rules, as I read them, if there's an obvious majority
4 and minority I don't need to count them. But if it looks
5 relatively equivalent, I must count them. Does everybody
6 understand? Okay. So, to make sure this is clear, this
7 is voting on that wording as shown on the board to be
8 incorporated under the Reserve Areas, all three of the
9 Reserve Areas, within the table submitted by Subcommittee
10 A. And that that table, as amended, be accepted for
11 forwarding up the chain of command. All in
12 favor raise your hands and keep them in the air.

13 All opposed raise your hands and keep them
14 in the air.

15 (Three opposed.)

16 Okay. The motion passes by obvious majority.
17 Thank you.

18 Okay. We have a lot of congratulating to
19 do of ourselves. This has been amazingly hard work.
20 Okay. Some very important, some very important things.
21 Please don't start packing up yet.

22 We must be here tomorrow morning at 8 a.m.
23 for a full quorum for any potential for any potential
24 public comment. We can not accept the public comment
25 without a quorum. We are to meet at 8 a.m. tomorrow morning.

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1 If there is no public comment we will immediately go
2 back to work. Okay. So 8 a.m.

3 Next issue is transportation. If anyone
4 chooses to go, head toward the Capital Building in region,
5 you get on the orange metro?

6 PARTICIPANT: You want to get off at Capital
7 stop.

8 PARTICIPANT: And the orange one is right
9 over here.

10 PARTICIPANT: Yes. It is the one, right out
11 here.

12 PARTICIPANT: In which direction does it go?
13 Does it tell you?

14 PARTICIPANT: Yes. The 1-7 will take you
15 out to Vienna. If you don't want to go towards Vienna
16 --

17 PARTICIPANT: That's where I wanted to go.

18 PARTICIPANT: You want to go over to --

19 PARTICIPANT: Okay.

20 CHAIRMAN HIXON: Okay. And I'm meeting a
21 taxi at 2 o'clock right outside this building. So there
22 was a few people who want to go with me, you can hop
23 in. We stand adjourned until 8 a.m. No. We are in recess
24 until 8 a.m. tomorrow morning.

25 Thank you.

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1 (Whereupon, the above entitled matter
2 was concluded at 1:57 p.m.)
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